

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**ZONING ADMINISTRATION REFERRAL**

**Third Submission**

**DATE:** December 2, 2008

**TO:** Mike Elabarger, Project Manager

**THROUGH:** Marilee Seigfried, Deputy Zoning Administrator

**FROM:** Nita Bearer, Planner, Zoning Administration

**CASE NUMBER AND NAME:** SPEX-2008-0022  
Cider Mill - Kennel

**LCTM/MCPI:** /15/////////25/  
548-10-4925

**PLAN SUBMISSION NUMBER:** 3rd Submission

**I. APPLICATION SUMMARY**

Zoning staff has reviewed the third submission of above-referenced special exception application for conformance with the Revised 1993 Loudoun County Zoning Ordinance. The parcel is zoned Agricultural Rural-1 (AR-1) and is within a major floodplain area of the Floodplain Overlay District. Because the site contains major floodplain, it is subject to Section 5-1000, Scenic Creek Valley Buffer.

1. The designated outdoor training area illustrated on the plat must be located 100 feet from all property lines. Section 5-606(A)(1) defines a "kennel" as any place in or at which .....dogs... are trained, boarded, or handled. The outdoor training area is considered part of the kennel. Section 5-606(C)((1) requires an outdoor kennel to be set back 100 feet from a property line.
2. In order to verify that the site will be in compliance with Section 2-103(A)(3)(c), illustrate the required yards on the plat as provided on the previous submission. Also indicate the setback from all property lines for the kennel building and training areas to verify compliance with Section 5-606(C)(1).

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**ZONING ADMINISTRATION REFERRAL**  
**Second Submission**



**DATE:** October 24, 2008

**TO:** Mike Elabarger, Project Manager

**THROUGH:** Marilee Seigfried, Deputy Zoning Administrator

**FROM:** Nita Bearer, Planner, Zoning Administration

**CASE NUMBER AND NAME:** SPEX-2008-0022 *mb*  
Cider Mill - Kennel

**LCTM/MCPI:** /15/////////25/  
548-10-4925

**PLAN SUBMISSION NUMBER:** 2<sup>nd</sup> Submission

**I. APPLICATION SUMMARY**

Zoning staff has reviewed the second submission of above-referenced special exception application for conformance with the Revised 1993 Loudoun County Zoning Ordinance. The parcel is zoned Agricultural Rural-1 (AR-1) and is within a major floodplain area of the Floodplain Overlay District. Because the site contains major floodplain, it is subject to Section 5-1000, Scenic Creek Valley Buffer. All previous zoning comments have been addressed except the following:

*The applicant indicated in the State of Justification that the house located on the subject property will be used as living space for the trainers. In order to use the house as a single family dwelling, no more than four unrelated adults may occupy the house at one time. The single family dwelling is a permitted principal use on the subject property.*

In response, the applicant indicated that the house is not being used as a single family dwelling, however being used as an ancillary use related to the kennel as an office/training room as well as temporary living quarters for the trainers. The applicant also indicated in response to the Department of Planning Comment #1 that the maximum number of trainers/handlers that will occupy the single family dwelling at any one time is 6. Pursuant to Section 2-102, "Temporary living quarters for the trainers" as an accessory use is not permitted within the AR-1 zoning district. The single family dwelling located on the property may be used as living quarters for the trainers if it is a principal use and if occupancy meets the definition of a "family" as defined in Article VIII. "Family" is defined in part as "A group of people living together consisting of ..... No more than 4 unrelated persons." Therefore, in order to use the dwelling to house the trainers, only four trainers may occupy the house at any one time. Also, the office/training room is accessory to the kennel principal use and should be located within the 4,000 sf kennel building.

*A-002*

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF BUILDING AND DEVELOPMENT**  
**ZONING ADMINISTRATION REFERRAL**

**DATE:** September 2, 2008

**TO:** Mike Elabarger, Project Manager

**THROUGH:** Marilee Seigfried, Deputy Zoning Administrator

**FROM:** Nita Bearer, Planner, Zoning Administration

**CASE NUMBER AND NAME:** SPEX-2008-0022  
Cider Mill - Kennel

**LCTM/MCPI:** /15/////////25/  
548-10-4925

**PLAN SUBMISSION NUMBER:** 1<sup>st</sup> Referral

**I. APPLICATION SUMMARY**

Zoning staff has reviewed the above-referenced special exception application for conformance with the Revised 1993 Loudoun County Zoning Ordinance. The parcel is zoned Agricultural Rural-1 (AR-1) and is within a major floodplain area of the Floodplain Overlay District. Because the site contains major floodplain, it is subject to Section 5-1000, Scenic Creek Valley Buffer.

The materials submitted for review of the application consist of the following:

1. Information Sheet (w/checklist waiver, DCR correspondence, and building design)
2. Statement of Justification dated July 10, 2008
3. Plat dated July 2008.

**I. CONFORMANCE WITH SECTION 6-1310, ISSUES FOR CONSIDERATION IN REVIEWING A SPECIAL EXCEPTION APPLICATION**

- (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

The kennel use is subject to the additional regulations of Section 5-652(B), Noise Standards, which prohibits noise-producing activities to be located within 250 feet of an existing single family residential use. In addition, Section 5-652(B)(2) limits the maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, to not more than 55 dB(A). Staff recommends that the applicant indicate the maximum number of dogs to be on the property at one time and demonstrate that the noise level will not exceed the standard of Section 5-652.

A-003

- (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

The applicant indicated in the Statement of Justification that no lighting is proposed at this time. Please note that, if there is a necessity for lighting in the future, the lighting standards found in Section 5-652(A), Exterior Lighting Standards, will apply to the use.

- (F) *Is the existing or proposed landscaping, screening and buffer on the site and in the neighborhood sufficient to adequately screen surrounding uses?*

Staff recommends that the applicant commit to the proposed landscape plan as submitted which provides for a type 4 buffer yard on the east and southwest property lines with the correction of the width of the yard. As of December 3, 2007, the minimum width of a side type 4 buffer yard is 25' and the maximum width is 30'.

The plat illustrates the southwest side type 4 buffer yard to be 20' wide. If the single family dwelling located on the adjacent property southwest of the subject property is within 300' of the subject property line, the landscape requirements of Section 5-653 will apply, which requires the first 50' to be landscaped and screened.

Please note that, pursuant to Section 5-1405(B), existing vegetation to be utilized to meet the Type 4 landscape buffer requirement must be located on the subject property. Also note that, at the time of site plan submittal, the applicant will be required to provide pictures and a narrative from a licensed arborist or forester describing the type, amount, and condition of the existing vegetation for review by the County Forester in order to determine if the existing vegetation meets the requirements of a Type 4 landscape buffer. The applicant will be required to provide plantings to bring the buffer into compliance with a Type 4 landscape buffer if needed.

## II. ZONING COMMENTS

1. A table of the lot and building requirements of the AR-1 zoning district, as well as the additional regulations of Section 5-606, should be included on the plat.
2. Section 5-606(C)(6)(b) requires all parking areas serving the use to be of a dust-free surface material as provided in the Facilities Standards Manual. Indicate on the plat that the parking areas will be in compliance with this section.
3. General Note #20 should indicate that any lighting for the proposed use is subject to Section 5-606, Additional Regulations for Specific Uses, as well as Section 5-1504.
4. General Note #21 should also indicate that the proposed use is subject to the performance standards found in Section 5-606, as well as 5-1500.
5. The applicant indicated in the State of Justification that the house located on the subject property will be used as living space for the trainers. In order to use the house as a single family dwelling, no more than four unrelated adults may occupy the house at one time. The single family dwelling is a permitted principal use on the subject property.

A-004

### III. ENVIRONMENTAL REVIEW TEAM COMMENTS

1. Depict the River and Stream Corridor 50-foot Management Buffer surrounding the major floodplain and adjacent steep slopes (slopes greater than 25 percent, starting within 50 of the floodplain, extending no farther than 100 feet beyond the floodplain), or the 100-foot Stream Buffer measured from the channel scar line, whichever is greater, on sheets 2 and 3. Land disturbances associated with the proposed kennel building and gravel access should be located outside of the protective buffer. [Revised General Plan (RGP), Page 5-6, River and Stream Corridor Resources Policies]
2. Identify the moderately steep slopes (15-25%) and very steep slopes (greater than 25%) impacted by the development. Development is subject to the performance standards in Section 5-1508.
3. Consistent with the Forest, Trees, and Vegetation policies of the RGP, staff recommends preserving forest cover as part of this application. As discussed during the site visit on August 14, 2008, staff recommends that the location of the proposed kennel and alignment of the gravel access be shifted to accommodate preservation of the existing sycamore tree located in the general area (see attached photographs). Consistent with SPEX Checklist Section K.12, please identify the location of the sycamore tree on Sheet 3.
4. Based on review of aerial photography, substantial areas within the major floodplain on the subject property are open fields. These areas are often good locations for wetland mitigation projects. Staff recommends that the applicant consider these areas for wetland creation, which can be utilized as a form of mitigation for wetlands impacts taken with other projects in the County. Creating wetland and/or stream mitigation banks is a business opportunity that can also complement river and stream corridor policy 23, not net loss of wetland habitat in Loudoun County, of the RGP. The ERT is available to meet with the applicant to discuss the mitigation process and potential at the subject property.

Due to the scope of the comments provided, ERT staff requests an opportunity to review the subsequent submission of this application. Please contact ERT if you need any additional information regarding the ERT comments.

A-005

**DEPARTMENT OF BUILDING AND DEVELOPMENT**

**COUNTY OF LOUDOUN**

**MEMORANDUM**

DATE: October 30, 2008

TO: Mike Elabarger, Project Manager, Department of Planning

FROM: Todd Taylor, Environmental Engineer

THROUGH: Gary Clare, Chief Engineer  
William Marsh, Environmental Review Team Leader

CC: Pat Giglio, Community Planner, Department of Planning  
Nita Bearer, Zoning Planner

SUBJECT: **SPEX-2008-0022 Cider Mill  
(2<sup>nd</sup> Submission)**

The Environmental Review Team (ERT) reviewed the revised application. The following comments were not addressed with this submission and remain outstanding.

1. To demonstrate compliance with the Steep Slope Standards in Section 5-1508 of the Revised 1993 Loudoun County Zoning Ordinance and the River and Stream Corridor Policies of the Revised General Plan, staff recommends the following:
  - Depict moderately steep slopes (15 to 25 percent) and very steep slopes (greater than 25 percent) on sheets 2 and 3, based on the provided 2-foot topography (i.e. topographical analysis).
  - Depict the River and Stream Corridor 50-foot Management Buffer surrounding the major floodplain and adjacent very steep slopes (starting within 50 of the floodplain, extending no farther than 100 feet beyond the floodplain), or the 100-foot Stream Buffer measured from the channel scar line, whichever is greater, on sheets 2 and 3. Land disturbances associated with the proposed kennel building and gravel access should be located outside of the protective buffer.

Please contact me if you have any questions or need additional information.

A-006

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** December 9, 2008

**TO:** Mike Elabarger, Project Manager, Land Use Review

**FROM:** Pat Giglio<sup>pl</sup>, Planner, Community Planning

**SUBJECT: SPEX 2008-0022, Cider Mill, 3rd Referral**

**BACKGROUND**

The applicant, Cerberus Farms LLC., is requesting a Special Exception (SPEX) to permit the establishment of an indoor/outdoor kennel on 20.97 acres located at 14807 Cider Mill Road west of the village of Hillsboro. The applicant is currently training bomb/drug sniffing dogs on the subject property: a single-family house is used for instruction and lodging for up to four dog trainers, and an existing barn has been converted for use as an indoor kennel. The applicant is proposing the construction of a new 4,000 square foot indoor kennel (40'x 100') in the middle of a field towards the rear of the subject property which can accommodate up to 30 dogs. The new kennel will increase the number of dogs, trainers and training activities on the subject property. The applicant states that 75% of the training will take place off-site at other locations during the day, thus minimizing the overall impact of the use on the surrounding properties. The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The subject property also has road frontage on Cider Mill Road (Route 751) which is a designated Virginia Byway.

The applicant responded to Community Planning's second referral comments by providing a response letter and revised Special Exception Plat dated November 25, 2008. Upon review of the submitted information, it appears that the majority of outstanding issues have been addressed, however, staff continues to have concerns regarding noises emanating from the proposed business adversely affect neighboring uses.

**COMPREHENSIVE PLAN COMPLIANCE**

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, Rural Residential Policies 3).

A-007



### **OUTSTANDING ISSUE:**

Plan policies support the development of rural businesses that are compatible in scale, use and intensity with the rural environment. Plan policies state that rural business uses should meet "established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare" (Revised General Plan, Policy 6, p.7-8).

### **Noise**

The applicant has submitted drawings of the proposed 4,000 square foot, one-story kennel, which will feature three offices, a conference room, restrooms, dog food preparation area, and indoor kennels with covered outdoor runs (fenced enclosures) on either side to accommodate up to 30 dogs. The proposed kennel will be partially sited into the hillside with retaining walls being constructed adjacent to the west and north walls of the building. The submitted drawings do not include any information related to the acoustical rating of the kennel; however it does appear that sound attenuating materials have been incorporated into the walls and roof of the building. The applicant should provide additional information related to the acoustical rating of the building to ensure it will comply with County standards.

Staff has the greatest concern with noise emanating from dogs utilizing the covered outdoor runs associated with kennel building. The dogs within the covered outdoor runs will be unsupervised and as such it is anticipated that their will be excessive noise, as groups of dogs often feed off of each others excitability and/or agitated behavior which is articulated through barking. The noises emanating from the outdoor runs cannot be contained and/or controlled like the enclosed portions of the proposed kennel building. The applicant in the design of the building has sited the proposed kennel into the hillside in an effort to help control noise, however in this situation the hard surfaces of the proposed retaining walls could cause sound to reverberate and project upward. While the applicant has agreed to comply with the Loudoun County noise standard and to undertake corrective measures with changes to the building and/or operations if they cannot comply with County standards once they are operational, it would seem more prudent for the applicant to perform their due diligence and demonstrate that the proposed use will comply with County standards prior to construction. The applicant may consider conducting a noise study prior to construction to demonstrate that noise emanating from the dogs utilizing the covered outdoor runs associated with proposed kennel will comply with the County's noises standards, which require that noise levels do not exceed 55 dB(A) at the property line. Modifying and retrofitting the proposed kennel to comply with noise standards once it is constructed will be expensive for the applicant and often does not achieve the same degree of effectiveness.

***Staff finds that applicant has committed to complying with County Zoning requirements with respect to noise levels and has agreed to undertake corrective measures with the building and/or operations in the future if necessary. However, it is not clear that the proposed facility has been designed to meet***

A-008



***County noise standards nor any guarantees that noise emanating from dogs utilizing the covered outdoor runs will not adversely affect neighboring uses. Staff suggests that noise studies be conducted to ensure that the use of the proposed kennel and associated covered outdoor runs will be in compliance with County noise standards.***

#### **RECOMMENDATION**

Staff finds that the proposed use of the subject property for a kennel is consistent with the planned land use and is supported by the rural policies of the Revised General Plan. However, staff is not able to support the application until the issues above have been addressed. Staff has identified remaining issues pertaining to potential noise emanating from the kennel; in particular dogs utilizing the proposed outdoor covered runs which may adversely affect neighboring uses. Staff suggests that noise studies be conducted to ensure that the proposed kennel will be in compliance with County noise standards, which require that noise levels do not exceed 55 dB(A) at the property line, prior to construction.

CC: Julie Pastor, AICP, Director, Planning  
Cindy Keegan, AICP, Program Manager, Community Planning-via email

A-009

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** November 5, 2008  
**TO:** Mike Elabarger, Project Manager, Land Use Review  
**FROM:** Pat Giglio, Planner, Community Planning  
**SUBJECT:** SPEX 2008-0022, Cider Mill, 2<sup>nd</sup> Referral

**BACKGROUND**

The applicant, Cerberus Farms LLC., the applicant, is requesting a Special Exception (SPEX) to permit the establishment of a kennel one 20.97 acres located at 14807 Cider Mill Road west of the village of Hillsboro. The applicant is currently training bomb/drug sniffing dogs on the subject property: a single-family house is used for instruction and lodging for up to four dog trainers, and an existing barn has been converted for use as an indoor kennel. The applicant is proposing the construction of a new 4,000 square foot indoor kennel (40'x 100') in the middle of a field towards the rear of the subject property. The new kennel would increase the number of dogs and training facilities on the subject property. The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The subject property also has road frontage on Cider Mill Road (Route 751) which is a designated Virginia Byway.

The applicant responded to Community Planning comments by providing a response letter and revised Special Exception Plat dated October 15, 2008. Upon review of the submitted information, it appears that the issues pertaining to lighting, landscaping and buffering have been addressed. The remaining outstanding issues relating to the application are described below.

**COMPREHENSIVE PLAN COMPLIANCE**

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, Rural Residential Policies 3).

**OUTSTANDING ISSUES:**

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Plan support the establishment of business uses in the

A-010

Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals. The Plan also outlines a series of performance criteria that all rural business uses should meet in order to ensure their compatibility with the character of the surrounding rural area (Revised General Plan, Chapter 7, *Land Use and Design Strategy*, Policy 6).

### **Land Use**

Staff in the first referral raised concerns regarding the scale and intensity of the proposed kennel expansion on the property and its compatibility with the surrounding rural area. In response, the applicant has clarified that no more than 40 dogs and no more than 6 trainers will be on the property at any given time and that the majority of the on-site dog training will occur indoors. Staff recommends that conditions of approval be developed: to ensure that the number of dogs is restricted to a reasonable number that is appropriate to the subject property; that the times and amount of outdoor training activities be limited to reduce conflicts with adjoining rural residential uses; and that the type of dog training on the subject property be limited as proposed. Without such restrictions there are no assurances that training activities will remain compatible with the surrounding rural residential uses.

***Staff finds that the proposed use of the subject property for a kennel is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan. However, staff recommends that conditions of approval be developed to restrict on the number of dogs, times and amount of outdoor training, and type of dog training to ensure compatibility with the surrounding rural residential uses,***

### **Noise**

The applicant is finalizing plans for the proposed 4,000 square foot indoor kennel that incorporates noise control methods to ensure that the use complies with the County's noises standards, which require that noise levels do not exceed 55 dB(A) at the property line. The applicant as part of the second submission has not provided any details or drawings of the building. Staff recommends that the applicant submit architectural drawings depicting the types of acoustical treatments being proposed for the building in order to provide assurance that the building will comply with County standards. Staff also recommends that conditions of approval be developed to ensure that the noise levels from the proposed use will be in compliance with County standards and that corrective measures by the applicant will be undertaken should the noise levels in the future exceed these standards.

***Staff requests that the applicant submit architectural drawings depicting the types of acoustical treatments being proposed for the kennel in order to provide assurance that the building will comply with County standards.***

A-011

***Staff recommends that conditions of approval be developed to ensure that the noise levels will be in compliance with County standards and that corrective measures by the applicant will be undertaken should the noise levels in the future exceed these standards.***

#### **Traffic**

In the first referral, staff recommended elimination of the existing gravel driveways at the front of the residence and the consolidation of all the entrances to the proposed commercial entrance to the south of the residence to improve road safety and contribute to the aesthetics of Cider Mill Road, which is a designated Virginia Byway. In response, the applicant has indicated that the issue will be addressed at site plan as opposed to the current legislative process. The policies of the Revised General Plan and Revised Countywide Transportation Plan (CTP) call for the protection and preservation of the scenic quality and rural character of the County's designated Virginia Byways (*Countywide Transportation Plan, Chapter 4, Heritage Resources, text and Chapter 3, Rural Policy Roads, text*). The Plan policies recognize the aesthetic and historical significance of these designated roadway segments, as well as their larger contribution to rural tourism and the rural economy of Western Loudoun (*Countywide Transportation Plan, Chapter 4, Heritage Resources, text and Chapter 3, Rural Policy Roads, text*).

Staff continues to recommend the consolidation of all the entrances to the proposed commercial entrance and abandonment of the existing driveways in the front of the residence in order to improve the visual and aesthetic quality of the road frontage of the Virginia Byway. Consolidation of the entrances will also serve to improve the safety of the roadway by simplifying access to the property, providing a larger entrance to accommodate trailers and providing adequate site distances for safe ingress and egress to the property.

***Staff finds that the proposed application does not fully comply with Plan policies pertaining to the preservation and protection of Virginia Byways. Staff continues to recommend that the existing driveways in the front of the residence be abandoned and that all access to the subject property be provided by the single proposed commercial entrance in order to improve the visual and aesthetic quality of the road frontage of Cider Mil Road, a designated Virginia Byway.***

#### **RECOMMENDATION**

Staff finds that the proposed use of the subject property for a kennel is consistent with the planned land use and is supported by the rural policies of the Revised General Plan. However, staff has identified several issues related to the scale and intensity of use as well as compatibility of the proposed kennel expansion that require additional information and commitments from the applicant to ensure that proposed application complies with Plan policies.

A-012

Staff recommends the applicant commit to the following:

- Provision of site lighting which is shielded and directed downward to reduce glare and spillage of light onto adjoining properties and the night sky; and
- Long-term maintenance and care of the vegetated landscape buffers on the perimeter of the subject property

Staff recommends the applicant address to the following:

- Development of restrictions on the number of dogs, times and amount of outdoor training, and type of dog training to ensure compatibility with the surrounding rural residential uses;
- Assurances that noise levels emanating from the subject property will be in compliance with County standards and that corrective measures by the applicant will be undertaken should the noise levels in the future exceed these standards;

Staff recommends the following site design changes:

- Consolidation of all the entrances to a single proposed commercial entrance and abandonment of the existing driveways in the front of the residence in order to improve the visual and aesthetic quality of the road frontage of Cider Mill Road, a designated Virginia Byways.

Staff would be happy to meet with the applicant to further discuss issues raised above.

CC: Julie Pastor, AICP, Director, Planning  
Cindy Keegan, AICP, Program Manager, Community Planning-via email

A-013

**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** August 29, 2008

**TO:** Mike Elabarger, Project Manager, Land Use Review

**FROM:** Pat Giglio, Planner, Community Planning

**SUBJECT: SPEX 2008-0022, Cider Mill**

**BACKGROUND**

The applicant, Cerberus Farms LLC., is requesting a Special Exception (SPEX) to permit the establishment of a kennel on the subject property, located at 14807 Cider Mill Road. The 20.97 acre subject property is located on the west side of Cider Mill Road (Route 751), approximately 400 feet south of the intersection of Charles Town Pike (Route 9) west of the village of Hillsboro. The applicant is currently training bomb/drug sniffing dogs on the subject property and utilizing an existing barn which has been converted for use as an indoor kennel. The dog trainers (up to four) are housed in an existing single-family house on the property during the duration of their six to eight week training period at the subject site. A former outdoor equestrian riding ring located to the west of the house and adjoining the southern property line has been converted to an agility course for the dogs.

The applicant is proposing the construction of a new 4,000 square foot indoor kennel (40'x 100') on the subject property, the applicant has not provided any details pertaining to the design of the building nor disclosed the number of dogs which may be accommodated within the structure. The proposed kennel is bordered on the north, east and south by three residential properties ranging in size from 3 to 11 acres and to the west by a 116.5 acre farm. The nearest off-site residence is located approximately 450' feet south of the proposed kennel, 150 feet from the existing kennel and 300 feet from the existing single-family house on the subject property. Existing hedgerows partially buffer the perimeter of the property on the southwest; the applicant has agreed to supplement the existing hedgerow with a type 4 buffer to better screen the proposed kennel and dog training operation from the adjoining residences and the roadway.

The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance. The establishment of the proposed kennel on the subject property will require the grading of an existing open field but will not impact any environmental features as identified by the County. The subject property also has road frontage on Cider Mill Road (Route 751) which is a designated Virginia Byway.

A-014

## COMPREHENSIVE PLAN COMPLIANCE

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Policy 3, p.7-15).

### ANALYSIS:

#### A. LAND USE

The preservation and enhancement of the rural economy is a central focus of the rural strategy. The policies of the Plan support the establishment of business uses in the Rural Policy Area that preserve the rural character of the landscape, that are compatible with the dominant rural agricultural land use pattern, and that promote opportunities for the expansion of the County's rural economic as well as environmental goals (Revised General Plan, Policy 6, p.7-8). The Plan identifies a variety of traditional and non-traditional rural business uses, which include crop and cattle production, the equine industry, vineyards and wineries, horticulture and specialty farm products, farms markets and wayside stands, small farm supportive businesses, hospitality services (bed and breakfasts, country inns, and rural resorts), private camps and parks, etc. which are appropriate in the Rural Policy Area. The Plan also outlines a series of performance criteria that all rural business uses should meet in order to ensure their compatibility with the character of the surrounding rural area (Revised General Plan, Policy 6, p.7-8).

The applicant proposes to expand the existing kennel which provides training for bomb/drug sniffing dogs on the subject property by constructing a new 4,000 square foot indoor kennel (40'x 100'). The applicant will continue to utilize the existing single-family dwelling, existing kennel, outbuildings, and outdoor training areas on the subject property. The use of the subject property for the kenneling and training of dogs is in conformance with the land uses prescribed by the Revised General Plan for the Rural Policy Area. However, further information is needed to evaluate the scale and intensity of the proposed use, the applicant has not provided any details pertaining to the number of persons (trainers, handlers, etc.) and dogs which may be utilizing and/or occupying the subject property as part of the proposed kennel expansion or if any additional outdoor training activities will be associated with the proposed expansion. Additionally, issues pertaining to noise, lighting, landscaping and buffering and traffic may also exist relating to the proposed expansion of the kennel use on the subject property.

***Staff finds that the proposed use of the subject property for a kennel is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan. However additional consideration of the scale and intensity of the proposed use and its compatibility with the surrounding residential and rural uses are required. Staff further requests further information regarding the number of persons (trainers, handlers, etc.) and dogs which may be utilizing and/or occupying the subject property as part of the proposed kennel expansion or if any additional outdoor training activities will be associated with the proposed expansion.***

A-015



***Issues pertaining to noise, lighting, landscaping and buffering and traffic may also exist relating to the proposed expansion of the kennel use on the subject property which are discussed below.***

## **B. COMPATIBILITY**

Plan policies support the development of rural businesses that are compatible in scale, use and intensity with the rural environment. Plan policies state that rural business uses should meet "established performance criteria, including traffic capacity limits, employee limits, site design standards (i.e. buffering, use intensity, siting, architectural features) and pose no threat to public health, safety and welfare" (Revised General Plan, Policy 6, p.7-8).

### Noise

The proposed kennel and existing outdoor training facilities have the potential of generating noises which may adversely affect adjoining residential properties if not properly limited and controlled. The applicant has not provided any information in the submitted materials to demonstrate how potential noise impacts from the proposed kennel use on the subject property would be mitigated. Staff notes that acoustical treatments, such as concrete block walls and insulated steel roofing panels, could be incorporated into the design of the proposed kennel to further minimize noise emanating from the building.

***Staff requests that additional information and/or studies be submitted to demonstrate that the anticipated noise levels emanating from the use of the subject property as a kennel will not adversely affect adjoining residential uses and will be in compliance with County standards. Staff recommends that conditions be developed to ensure that the noise levels will be in compliance with County standards and that corrective measures by the applicant will be undertaken should the noise levels in the future exceed these standards.***

### Lighting

The Plan promotes sound night-lighting standards that will "reduce light pollution such as glare, energy waste, light trespass, and the deterioration of the natural nighttime environment" (Revised General Plan, text, p.5-42). The applicant is not proposing any outdoor lighting for the kennel as part of this application. However, the former outdoor equestrian riding ring which has been converted to a dog agility course does have existing poles with lighting which could be used for training at night. The applicant should commit to conditions to address the issue of site lighting which provide assurances that the proposed lighting will be the minimum intensity of lighting necessary for the operation of the proposed kennel. The proposed site lighting should be shielded and directed downward to reduce glare and spillage of light onto adjoining properties and the night sky.

***Staff recommends that applicant commit to provide site lighting which is the minimum intensity of lighting necessary for the operation of the proposed kennel. The proposed site lighting should be shielded and directed downward to reduce glare and spillage of light onto adjoining properties and the night sky.***

### Landscaping and Buffering

A-016

The entire perimeter of the property, with the exception of the road frontage along Cider Mill Road (Route 751) is surrounded by existing hedgerows comprised of native deciduous trees and a scattering of evergreen trees along the southwest perimeter. The existing hedgerows on the perimeter of the property form a natural buffer that partially screens views of the existing buildings and proposed kennel from adjoining properties. The application proposes the use of the existing vegetation along the perimeter of the property which will be supplemented in areas with additional plantings to fulfill the buffer and screening requirements of the Zoning Ordinance. The submitted Special Exception Plat depicts a proposed fence with vegetative buffer along the southwest boundary of the property and a portion of the road frontage along Cider Mill Road. The proposed vegetative buffer will create a visual buffer to screen views of the proposed kennel use from adjoining residential properties to the southwest, as well as providing a barrier to assist in the mitigation of noise impacts by absorbing sound emanating from the proposed kennel use and outdoor activities on the subject property. The applicant is proposing the use of the existing hedgerows and vegetation on the northeast boundary of the property to serve as a perimeter buffer. The applicant should commit to the long-term maintenance and care of the proposed landscape buffers on the subject property.

***Staff finds that the proposed kennel on the subject property will be adequately buffered and screened from adjoining properties. Staff recommends that the applicant commit to the submitted landscape plan and to the long-term maintenance and care of the vegetated buffers. Staff recommends that as much existing vegetation and trees as possible be incorporated into the design of the site.***

#### Traffic

The proposed site is accessed from Cider Mill Road (Route 751) which is designated as a Rural Road in the Revised Countywide Transportation Plan. The applicant has provided a traffic study that indicates up to 38 daily two-way trips will be generated by the proposed expansion of the existing kennel on the subject property. The applicant's traffic study also found that the proposed kennel could be adequately and safely served by the existing road network. The applicant will upgrade the existing driveway to the south of the existing residence to a commercial entrance to access the proposed kennel. The existing gravel driveway with its two entrances in the front of the residence will continue to be utilized to access the house. Staff recommends the elimination of the existing gravel driveway at the front of the residence and the consolidation of all the entrances to the proposed commercial entrance to improve road safety and contribute to the aesthetics of Cider Mill Road which is a designated Virginia Byway. Parking currently exists at the rear of the residence and additional parking could also be provided along the shoulder of the southern driveway on the property.

***The establishment of the proposed kennel on the subject property appears to have a minimal impact on traffic and adequate provisions appear to have been provided to accommodate safe access to the site. Staff recommends that the existing rural/rustic character of Cider Mill Road be considered in the design of the proposed commercial entrance and treatment of the road frontage of the subject property. Additionally, staff recommends the elimination of the existing gravel driveway with its two entrances at***

A-017

***the front of the residence and consolidation of all the entrances to the proposed commercial entrance to the south. Consolidation of all the entrance to the proposed commercial entrance will improve road safety and contribute to the aesthetics of Cider Mill Road which is a designated Virginia Byway.***

## **RECOMMENDATION**

Staff finds that the application for a Special Exception (SPEX) to permit the establishment of a kennel on the subject site is in compliance with the land use policies of the Revised General Plan for the Rural Policy Area. However, staff has identified several issues related to the scale and intensity of use as well as compatibility of the proposed kennel use on the subject property that require additional information to be submitted for review so that a more thorough analysis of the proposed project can be completed.

Staff requests the following information:

- Additional information and clarification regarding the number of persons (trainers, handlers, etc.) and dogs which may be utilizing and/or occupying the subject property as part of the proposed kennel expansion;
- Additional information to determine if any additional outdoor training activities will be associated with the proposed kennel expansion and/or if any additional impacts may be associated with the proposed use of the subject property; and ,
- Additional materials and/or studies to demonstrate that the anticipated noise levels emanating from the use of the subject property as a kennel will not adversely affect adjoining residential uses and will be in compliance with County standards.

Staff recommends the following design changes:

- Elimination of the existing gravel driveway with its two entrances at the front of the residence and consolidation of all the entrances to the proposed commercial entrance to the south to improve road safety and contribute to the aesthetics of Cider Mill Road which is a designated Virginia Byway; and
- Incorporate acoustical treatments, such as concrete block walls and insulated steel roofing panels, into the design of the proposed kennel to further minimize noise emanating from the building.

Staff recommends the applicant commit to the following:

- Provision of site lighting which is the minimum intensity of lighting necessary for the operation of the proposed kennel; and
- Provide for the long-term maintenance and care of the proposed landscape buffers to ensure that the proposed kennel will be properly screened from adjoining residential uses and is compliance with County standards.

Staff would be happy to meet with the applicant to further discuss issues raised above.

CC: Julie Pastor, AICP, Director, Planning  
Cindy Keegan, AICP, Program Manager, Community Planning-via email


A-018

**County of Loudoun**  
**Office of Transportation Services**

**MEMORANDUM**

**DATE:** November 10, 2008

**TO:** Michael Elabarger, Project Manager, Department of Planning

**FROM:** Art Smith, Senior Coordinator 

**SUBJECT:** **SPEX 2008-0022 Cider Mill**  
**Second Referral**

This referral will serve to update the status of the issues identified in the initial OTS referral of September 2, 2008 on this application based on the applicant's responses dated October 15, 2008.

Comment 1: A VDOT commercial entrance should be provided to serve the site. OTS supports Community Planning's request that the existing residential driveway entrance be consolidated with the new entrance. Please note Cider Mill Road is a designated Virginia Byway. Provide a VDOT approved commercial entrance off Cider Mill Road.

Response: A commercial entrance is proposed. The applicant will determine at the time of site plan if the southern existing entrance can be removed.

Status: This is a legislative application where input from neighbors and the Planning Commission is important. As such resolution of the two entrances issue should not be delayed till site plan. In addition, there is a documented site distance problem at the site. It needs to be determined if VDOT will issue a commercial entrance permit.

Comment 2: Future improvements to Cider Mill Road, by others, would be facilitated by a dedication of right-of-way 25-feet from centerline. Confirm or dedicate 25-foot right-of-way from centerline of Cider Mill Road for future improvements.

Response: Dedication is not proposed since Cider Mill is a Virginia Scenic Byway. There is no future improvements proposed to this roadway. If dedication is required it will be evaluated with the site plan.

A-019

Status: OTS understands Cider Mill Road is a scenic byway. However, byways are not exempt from improvements when required by increasing traffic volumes. Please note that Cider Mill Road has only 18 feet of pavement. Cider Mill Road is currently not in the Secondary Road Improvement Program. As such a reservation of right-of-way for dedication at the request of the Board of Supervisors would suffice. A 50-foot right-of-way would be required to accommodate lane and shoulder widening, by others, in the future.

Conclusion

Since there are uncertainties about entrance issues, this application should be referred to Committee for further discussion.

cc: Andy Beacher, OTS  
Pat Giglio, Department of Planning

A-020

**County of Loudoun**  
**Office of Transportation Services**  
**MEMORANDUM**

**DATE:** September 2, 2008  
**TO:** Michael Elabarger, Project Manager, Department of Planning  
**FROM:** Art Smith, Senior Coordinator, Planning and Development *AS*  
**SUBJECT: SPEX 2008-0022 Cider Mill  
First Referral**

**BACKGROUND**

This application is a Special Exception (SPEX) to permit a kennel where the site will be used as a dog training facility in the AR-1 Zoning District. The site location is on the north side of Cider Mill Road, Route 751, north of Round Hill. Please see Attachment 1, Project Vicinity Map.

Cider Mill Road along the site's frontage is a paved two-lane rural road. Pavement width is 18-feet in a variable width right-of-way. Average weekday traffic volumes are approximately 620. A single family home served by a gravel driveway is currently located on the site. To the east of the site, Cider Mill Road connects with Route 9, Charles Town Pike. The Cider Mill Road approach to the Route 9 intersection is controlled by a stop sign.

The proposed dog training facility is forecast to generate 28 daily vehicle trips, with the existing residence adding another ten. Four vehicle trips will be generated in both the AM and PM peak hours. LOS A is expected at the site's entrance on Route 751. Traffic on Route 751 is forecasted to be approximately 650 vehicle trips per day. No turn lanes will be required at the site's entrance.

**ISSUES**

1. A VDOT commercial entrance should be provided to serve the site. OTS supports Community Planning's request that the existing residential driveway entrance be consolidated with the new entrance. Please note Cider Mill Road is a designated Virginia Byway.

**A-021**

Page 2

2. Future improvements to Cider Mill Road, by others, would be facilitated by a dedication of right-of-way 25-feet from centerline.

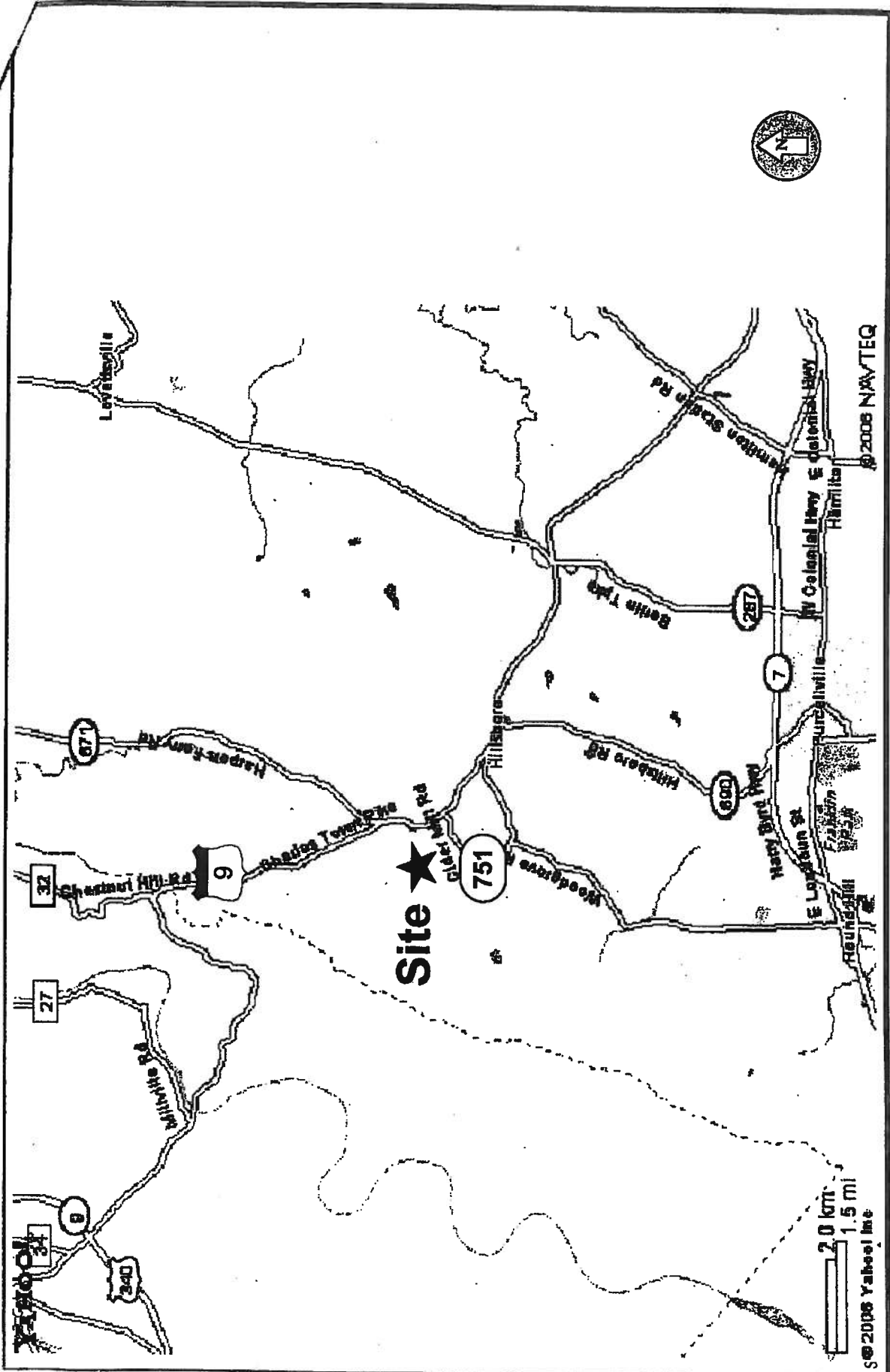
## **CONCLUSION**

Subject to appropriate resolution of the above issues, OTS would have no objection to the approval of this application.

cc: Andy Beacher, Assistant Director  
Pat Giglio, Department of Planning

A-022





<b>PHR+A</b>	<b>Cider Mill</b> Loudoun County Plan # 2006-0021 <i>January 2008</i>	<b>Site Location</b>  ATTACHMENT 1
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File No: P:\Project\13826\1.0\Graphics

**A-023**

November 25, 2008

Mr. Michael Elabarger  
County of Loudoun  
Department of Planning MSC#62  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

Re: Cider Mill  
Loudoun County Application Number SPEX 2008-0022

Dear Mr. Elabarger:

We have reviewed the above revised application as requested in your October 16, 2008 transmittal (received October 20, 2008). Our September 12, 2008 comments have been addressed as follows:

1 As previously stated, we have no objection to the proposed use.

2 As discussed in our previous comments on STPL 206-0021 and the February 14, 2008 traffic study by Patton, Harris, Rust, and Associates, sight distance from the entrance is an issue. The applicant should take whatever measures can be taken to improve sight distance by grading the slopes on both sides of the entrance and selectively clearing vegetation, as discussed on page 30 of the traffic study. We note the following:

a. The position of the exiting driver's eye should be 14.5' from the edge of pavement rather than 8'. See 2004 AASHTO *Policy on Geometric Design of Highways and Streets* page 657 (and 2001 edition page 660, cited in 24 VAC 30-71-130 *Minimum Standards of Entrances to State Highways*).

b. It appears that entrance sight distance may be appropriately based on operating speeds lower than the 55 mph statutory speed limit, i.e. 20 mph for northbound traffic approaching from the south and 40 mph for southbound traffic approaching from the north.

A-024



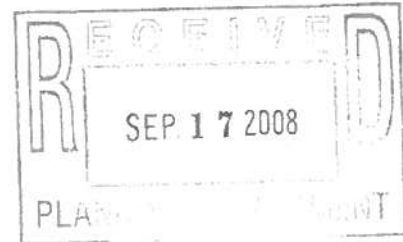
# COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.  
COMMISSIONER

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

September 12, 2008



Mr. Michael Elabarger  
County of Loudoun  
Department of Planning MSC#62  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

Re: Cider Mill  
Loudoun County Application Number SPEX 2008-0022

Dear Mr. Elabarger:

We have reviewed the above application as requested in your July 31, 2008 transmittal (received August 4, 2008). We offer the following comments:

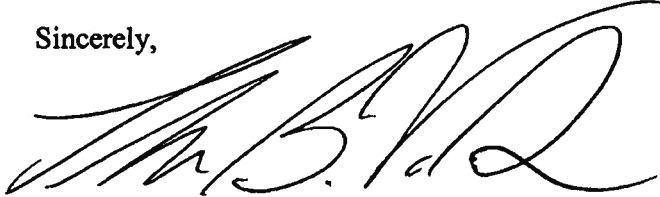
- 1 We have no objection to the proposed use.
- 2 As discussed in our previous comments on STPL 206-0021 and the February 14, 2008 traffic study by Patton, Harris, Rust, and Associates, sight distance from the entrance is an issue. The applicant should take whatever measures can be taken to improve sight distance by grading the slopes on both sides of the entrance and selectively clearing vegetation. The copies of the traffic study provided to this office include only the odd numbered pages, so we are unable to comment in detail on the study at this time. However we note the following:
  - a. The position of the exiting driver's eye should be 14.5' from the edge of pavement rather than 8'. See 2004 AASHTO *Policy on Geometric Design of Highways and Streets* page 657 (and 2001 edition page 660, cited in 24 VAC 30-71-130 *Minimum Standards of Entrances to State Highways*).
  - b. A complete copy of the speed study discussion in appendix B and the supporting speed study field data should be submitted for review, to support the traffic engineer's conclusion that entrance sight distance may be appropriately based on operating speeds lower than the 55 mph statutory speed limit.

Cider Mill  
September 12, 2008  
Page 2

c. There has been some discussion of this issue between the applicant's engineers and the VDOT Leesburg Residency permit office in the Fall of 2007. Documentation of any agreements reached in those discussions should be provided.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. B. VanPoole', written in a cursive style.

Thomas B. VanPoole, P.E.  
Senior Transportation Engineer

A-026



Environmental Health  
Phone: 703 / 777-0234  
Fax: 703 / 771-5023

## Loudoun County Health Department

P.O. Box 7000  
Leesburg VA 20177-7000



Community Health  
Phone: 703 / 777-0236  
Fax: 703 / 771-5393

August 28, 2008



**MEMORANDUM TO:** Michael Elabarger, Project Manager MSC # 62  
Planning Department, Building & Development

**FROM:** John P. Dayton MSC #68  
Sr. Env. Health Specialist  
Division Of Environmental Health

**SUBJECT:** SPEX 2008-0022, Cider Mill  
LCTM: 15/25, PIN 548104925

This Department reviewed the package provided to this office and the plat prepared by PHR&A dated **July 2008**, and recommends denial with the following comments.

- 1) This office requires to be provided the maximum number of "Trainers" proposed to work at and be housed at the facility. In addition, if any day workers, guests or visitors are expected, then estimates on the numbers and frequency of visits are required.
- 2) It appears the proposed kennel will have no waste disposal facilities. If the "trainers" are to be the only people at the facility (ie no visitors, no day workers) then the house must have adequate water and sewage disposal for the trainers. Note, the sewage disposal system currently serving the existing house is sized for a maximum of residential 2 bedrooms with no reserve area. With the change of use, ample reserve area must be identified by a consultant, submitted to and approved by this department.
- 3) The proposal should be more specific with regards to disposal of the animal waste and any kennel wash down water. Clarification should be provided about any animal bathing, washing of any animal bedding or supplies that might be done.
- 4) All existing wells and drainfields are shown on future plats.

If further information or clarification on the above project is required, please contact John Dayton at 737-8848.

JPD/JEL/jpd

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**COUNTY OF LOUDOUN**  
**DEPARTMENT OF ANIMAL CARE AND CONTROL**  
**MEMORANDUM**

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**DATE:** September 26, 2008  
**TO:** Michael Elabarger  
Department of Planning  
**FROM:** Kim Miller, Chief Animal Control Officer  
**RE:** **SPEX 2088-0022, Cider Mill**

---

Mr. Tim Tonsor submitted an application for a kennel permit to Animal Care and Control back in December of 2005. The application requested permission to house up to eight (8) dogs of various breeds at 14807 Cider Mill Road, Purcellville Virginia.

The application for a kennel permit became inactive upon the applicants request back in the spring of 2006. An updated application for a kennel permit should be submitted for this site.

Based on the 2005 application and materials submitted with the referral, Animal Control does not anticipate any problems with the proposed kennel and feels that it will meet the minimum standards for the operation of a kennel as set forth in Section 808.07 of Chapter 808 of the Codified Ordinances of Loudoun County.

Animal Control would like to present the kennel application to the Board of Supervisors when the special exception is presented, if at all possible.

If you should have any questions please do not hesitate to contact me at 703-737-8913.

A-028



**COUNTY OF LOUDOUN  
PARKS, RECREATION AND COMMUNITY SERVICES  
REFERRAL MEMORANDUM**



**To:** Michael Elabarger, Project Manager, Planning Department (MSC #62)  
**From:** *[Signature]* Brian G. Fuller, Park Planner, Facilities Planning and Development (MSC #78)  
**Through:** *[Signature]* Mark A. Novak, Chief Park Planner, Facilities Planning and Development  
**CC:** *[Signature]* Diane Ryburn, Director  
Steve Torpy, Assistant Director  
Su Webb, Park Board, Chairman, Catoctin District  
Stephenie Doyle, Park Board, Vice-Chairman, Blue Ridge District  
**Date:** October 23, 2008  
**Subject:** SPEX 2008-0022, Cider Mill Kennel (2<sup>nd</sup> Submission)  
**Election District:** Blue Ridge **Sub Planning Area:** Northwest  
**MCPI #:** 548-10-4925

**BACKGROUND AND ANALYSIS:**

Tim Tonsor of Cerberus Farms, LLC is applying for a Special Exception (SPEX) to permit a kennel (to be used as a dog training facility) in the AR-1 Zoning District. The Property is located within the Blue Ridge Election District at 14807 Cider Mill Road. The Property is west of the Town of Hillsboro.

The Applicant is seeking the approval of this application to permit the training of bomb/drug sniffing dogs for use by law enforcement officials worldwide. The proposed 4000 sq. ft. building/kennel will be used to house and train the dogs. The existing house will be used as living space for trainers, and training takes approximately 6 to 8 weeks. The proposal states that this will be a private facility.

**COMMENTS:**

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the Applicant's responses dated October 15, 2008 to referral comments dated August 20, 2008 and the revised SPEX Plat dated October 2, 2008. The following is a summary of the current status of comments identified by the Department of Parks, Recreation and Community Services (PRCS):

A-029



1. The Applicant, via the Statement of Justification, does not state how many dogs are intended to be housed/trained at any given time at the facility. Is there a standard size for a dog-training class?

*Applicant Response:* *Note #5 has been amended to state that the number of dogs that will be allowed on the property at any given one time will be no more than 40.*

*A class will never be more than 8 students.*

**Issue Status: Resolved.**

2. The Applicant, via the Statement of Justification, does not state intentions of any outdoor space for the dogs. Will all housing and training take place within the indoor facility? Will the dogs be allowed any time on- or off-leash outdoors?

*Applicant Response:* *Housing of the canines will take place in an indoor facility.*

*Approximately 95% of the daily training will take place in an indoor area, while approximately 5% will take place on the agility course (outdoor training area).*

*Canines will never be allowed to run off-leash unless they are in a fenced in area.*

**Issue Status: Resolved.**

## **CONCLUSION:**

PRCS has reviewed the Applicant's responses to the issues and finds them acceptable, and would not be in objection to an approval of this Application as presented.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at [brian.fuller@loudoun.gov](mailto:brian.fuller@loudoun.gov). You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at [mark.novak@loudoun.gov](mailto:mark.novak@loudoun.gov). I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

A.030



**COUNTY OF LOUDOUN  
PARKS, RECREATION AND COMMUNITY SERVICES  
REFERRAL MEMORANDUM**

**To:** Michael Elabarger, Project Manager, Planning Department **(MSC #62)**  
**From:** Brian G. Fuller, Park Planner, Facilities Planning and Development  
**(MSC #78)**  
**Through:** Mark A. Novak, Chief Park Planner, Facilities Planning and Development  
**CC:** Diane Ryburn, Director  
Steve Torpy, Assistant Director  
Su Webb, Park Board, Chairman, Catoctin District  
Stephenie Doyle, Park Board, Vice-Chairman, Blue Ridge District  
**Date:** August 20, 2008  
**Subject:** Cider Mill **(SPEX 2008-0022)**  
**Election District:** Blue Ridge **Sub Planning Area:** Northwest  
**MCPI #:** 548-10-4925

**BACKGROUND AND ANALYSIS:**

Tim Tonsor of Cerberus Farms, LLC c is applying for a Special Exception to permit a kennel (to be used as a dog training facility) in the AR-1 Zoning District. The Property is located within the Blue Ridge Election District at 14807 Cider Mill Road. The Property is west of the Town of Hillsboro.

The Applicant is seeking the approval of this application to permit the training of bomb/drug sniffing dogs for use by law enforcement officials worldwide. The proposed 4000 sq. ft. building/kennel will be used to house and train the dogs. The existing house will be used as living space for trainers, and training takes approximately 6 to 8 weeks. The proposal states that this will be a private facility.

**COMMENTS:**

PRCS has reviewed the referenced application, and offers the following comments:

1. The Applicant, via the Statement of Justification, does not state how many dogs are intended to be housed/trained at any given time at the facility. Is there a standard size for a dog-training class?

A-031

2. The Applicant, via the Statement of Justification, does not state intentions of any outdoor space for the dogs. Will all housing and training take place within the indoor facility? Will the dogs be allowed any time on- or off-leash outdoors?

#### **RECOMMENDATIONS:**

PRCS has indentified the aforementioned comments to the application. Should these comments be adequately addressed, staff offers no objection to the approval of this application. PRCS defers all other comments to the Department of Animal Care and Control and Zoning Administration.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at [brian.fuller@loudoun.gov](mailto:brian.fuller@loudoun.gov). You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at [mark.novak@loudoun.gov](mailto:mark.novak@loudoun.gov). I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

A-032



# Loudoun County, Virginia

Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175  
Phone 703-777-0333 Fax 703-771-5359



## Memorandum

**To:** Mike Elabarger, Project Manager  
**From:** Maria Figueroa Taylor, Fire-Rescue Planner  
**Date:** September 9, 2008  
**Subject:** Cider Mill  
SPEX 2008-0022

Thank you for the opportunity to review the above-captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Neersville VFRC Station 16 Travel Time
548-10-4925	Cider Mill	7 Minutes

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Neersville VFRC Station 16 Approximate Response Times
Cider Mill	9 minutes

If you have any questions or need additional information, please contact me at 703-777-0333.

cc: Project file

Teamwork \* Integrity \* Professionalism \* Service

A-033

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I, Mark A. Thomas, do hereby state that I am an

Applicant

**XX** Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): SPEX 2008-0022 Cider Mill

and that to the best of my knowledge and belief, the following information is true.



**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**

**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application\* and if any of the forgoing is a **TRUSTEE\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i><b>PIN</b></i>	<i><b>NAME</b></i> <i>(First, M.I., Last)</i>	<i><b>ADDRESS</b></i> <i>(Street, City, State, Zip Code)</i>	<i><b>RELATIONSHIP</b></i> <i>(Listed in bold above)</i>
N/A	Mark A. Thomas, CLA	PHR+A 208 Church Street, SE Leesburg, VA 20175	<b>AGENT</b> Land Planner
N/A	Mark Jerussi PE	PHR+A 208 Church Street, SE Leesburg, VA 20175	<b>AGENT</b> Civil Engineer
N/A	Douglas R. Kennedy, PE	PHR+A 208 Church Street, SE Leesburg, VA 20175	<b>AGENT</b> Traffic Planner

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

     There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

A-035

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

**Patton Harris Rust & Associates (PHR+A) 208 Church Street, SE Leesburg, VA 20175**

### Description of Corporation:

**XX** *There are 100 or fewer shareholders and all shareholders are listed below.*

*There are more than 100 shareholders and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

*There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation and no shareholders are listed below.*

*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

### Names of Shareholders:

<b>SHAREHOLDER NAME</b> (First, M.I., Last)	<b>SHAREHOLDER NAME</b> (First, M.I., Last)
Fred D. Ameen, Jr.**	Michael A. Hammer
Michael G. Baker**	Christopher Holt**
Thirumalainivas Bhakthavatsaiam	Paul Dec Holt, Jr.
John F. Callow**	Mark Jerussi
Helman A. Castro	Ralph T. Jones**
Frank H. Donaldson*	John O. Jorgensen
Timothy F. Fletcher	Douglas R. Kennedy**
Bruce J. Frederick**	Graeme C. Lake

Continued on Next Page

### Names of Officers and Directors:

<b>NAME</b> (First, M.I., Last)	<b>Title</b> (e.g. President, Treasurer)
Thomas D. Rust, PE, AICP	Chairman of the Board, Sr. Vice Pres.
Charles B. Perry, II	Chief Executive Officer
Christopher Holt	Chief Financial Officer, Vice President
Susan S. Wolford	Treasurer, Vice President
Thomas L. Osborne	Secretary, Vice President

Continued on Next Page

Check if applicable:

**XX** There is additional Corporation Information. See Attachment to Paragraph C-2.

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above) Continued

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

**Patton Harris Rust & Associates (PHR+A) 208 Church Street, SE Leesburg, VA 20175**

### Description of Corporation:

**XX** *There are 100 or fewer shareholders and all shareholders are listed below.*

*There are more than 100 shareholders and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

*There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation and no shareholders are listed below.*

*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

### Names of Shareholders: Continued

<b>SHAREHOLDER NAME</b> (First, M.I., Last)	<b>SHAREHOLDER NAME</b> (First, M.I., Last)
L. Nathaniel Ballard	Thomas W. Price
Michael C. Glickman	John D. Reno
John C. Loyd**	Michael G. Reimer
Ronald A. Mislowsky**	Thomas D. Rust*
Robert A. Munse	David J. Saunders**
Patricia D. Monday**	Karl V. Schaeffer
Paul D. Noursi	James C. Slora
Thomas L. Osborne**	Thomas R. Smith**

Continued on Next Page

### Names of Officers and Directors: Continued

<b>NAME</b> (First, M.I., Last)	<b>Title</b> (e.g. President, Treasurer)
All Stockholders with *	Senior Vice President
All Stockholders with **	Vice President

Check if applicable:

**XX** There is additional Corporation Information. See Attachment to Paragraph C-2.



## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above) Continued

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

**Patton Harris Rust & Associates (PHR+A) 208 Church Street, SE Leesburg, VA 20175**

### Description of Corporation:

**XX** *There are 100 or fewer shareholders and all shareholders are listed below.*

*There are more than 100 shareholders and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

*There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation and no shareholders are listed below.*

*There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

### Names of Shareholders: Continued

<b>SHAREHOLDER NAME</b> (First, M.I., Last)	<b>SHAREHOLDER NAME</b> (First, M.I., Last)
David H. Steigler	Scott R. Wolford**
Peter J. Stone	Susan S. Wolford**
Paul J. Sun	Kevin D. Wood
Earl R. Sutherland*	John D. Wright**
Mark A. Thomas	William L. Wright
Kevin D. Vaughn**	
Edward G. Venditti**	
John D. Vergeres**	

### Names of Officers and Directors:

<b>NAME</b> (First, M.I., Last)	<b>Title</b> (e.g. President, Treasurer)

Check if applicable:

*There is additional Corporation Information. See Attachment to Paragraph C-2.*

### 3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

**Partnership name and address:** (complete name, street address, city, state, zip)

\_\_\_\_\_

\_\_\_ (check if applicable) The above-listed partnership has no limited partners.

**Names and titles of the Partners:**

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

\_\_\_ Additional Partnership information attached. See Attachment to Paragraph C-3.

#### 4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

**XX** Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

**EXCEPT AS FOLLOWS: (If none, so state).**

**PHR+A – None**

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

**EXCEPT AS FOLLOWS: (If none, so state).**

**PHR+A - None**

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

I, Timothy Lee Tonsor, do hereby state that I am an

☒ Applicant

☐ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): SPEX 2008-0022

and that to the best of my knowledge and belief, the following information is true:

**C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**

**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application\* and if any of the forgoing is a **TRUSTEE\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<b>PIN</b>	<b>NAME (First, M.I., Last)</b>	<b>ADDRESS (Street, City, State, Zip Code)</b>	<b>RELATIONSHIP (Listed in bold above)</b>
	Cerberus Farms, LLC	14807 Cider Mill Rd Purcellville, VA 20132	Owner
	Timothy L. Tonsor	14807 Cider Mill Rd. Purcellville, VA 20132	Applicant

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

## 2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

**Name and Address of Corporation:** (complete name, street address, city, state, zip code)

### Description of Corporation:

X There are 100 or fewer shareholders and all shareholders are listed below.

\_\_\_ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

\_\_\_ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

\_\_\_ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

### Names of Shareholders:

<b>SHAREHOLDER NAME</b> (First, M.I., Last)	<b>SHAREHOLDER NAME</b> (First, M.I., Last)
James D. Jacobson	
James D. Jacobson Living Trust	
Melinda Jacobson Beneficiary of above Trust	
Jonathon E. Jacobson 2002 GST Trust	
Jonathon E. Jacobson, Beneficiary of above Trust	
Max Jacobson 2002 GST Trust	
Max Jacobson, Beneficiary of above Trust	
Robert L. Coe	
Jerry E. Park	

### Names of Officers and Directors:

<b>NAME</b> (First, M.I., Last)	<b>Title</b> (e.g. President, Treasurer)
N/A – Corporation is not an owner of the subject land	

Check if applicable:

\_\_\_ There is additional Corporation Information. See Attachment to Paragraph C-2.

**3. PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

**Partnership name and address:** (complete name, street address, city, state, zip)

\_\_\_\_\_

\_\_\_ (check if applicable) The above-listed partnership has no limited partners.

**Names and titles of the Partners:**

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

\_\_\_ Additional Partnership information attached. See Attachment to Paragraph C-3.

#### D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

MARK THOMAS

check one: ☐ Applicant or ☒ Applicant's Authorized Agent

MARK W. THOMAS

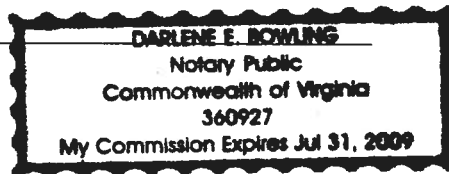
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 25<sup>th</sup> day of November, 2008, in the State/Commonwealth of Virginia, in the County/City of Loudoun.

Darlene E. Bowling

Notary Public

My Commission Expires: \_\_\_\_\_



## **Cider Mill Property**

### **SPEX**

#### **Special Exception approval to allow a kennel use, per Section 2-102 and Section 5-606(A) of the Revised 1993 Loudoun County Zoning Ordinance**

**July 10, 2008**

### **STATEMENT OF JUSTIFICATION**

#### **Project History/Background:**

The owner of the site is Cerberus Farms, LLC. The Applicant is Tim Tonsor of Cerberus Farms, LLC. The owner and applicant requests approval of a special exception on 20.97 acres +/- of real property located off of Cider Mill Road in Loudoun County, specifically MCPI# 548-10-4925. The site is currently zoned AR-1 and subject to the FOD-Floodplain Overlay District and the Scenic Creek Valley Buffer and is under the Revised 1993 Zoning Ordinance. The current use on the site is single family detached.

The property contains 20.97 acres, a single family house, two barns and three sheds. The site will be used to train bomb/drug sniffing dogs. The proposed building/kennel will be used to house the dogs. The existing house will be used as living space for the trainers. The training takes approximately six to eight weeks. It is the intent for the trainers to live in the house during their training schedule. Therefore, the house will be utilized as a single family home. There will be no public access and no customers.

Formal work began on the subject project during the summer of 2005. Due to the inability of obtaining VDOT approval in a reasonable amount of time, we were unable to secure Loudoun County Site Plan approval prior to the zoning ordinance change of the property from A-3 to AR-1. Zoning Administration has since determined that this use is closest to a 'Kennel' thereby requiring a Special Exception in the AR-1 District.

#### **Location:**

The Property is located within the Blue Ridge Election District of Loudoun County, bounded on the south by Cider Mill Road, Rt. 751 and in close proximity to Charles Town Pike, Rt. 9. The parcels located to the north and west of the subject site are zoned AR-1 and the uses are 100+ acre farms. The parcels



located to the east and south of the site and across from the site on Cider Mill Road are zoned AR-1 and the uses are Single Family. All of the surrounding parcels are governed under the Revised 1993 Zoning Ordinance.

### **Development Proposal of the Property:**

The Applicant and Owner seek approval of a special exception to allow kennel use, per section 2-102 and section 5-606(A) of the Revised 1993 Loudoun County Zoning Ordinance. The Applicant and Owner plan to build a 40' x 100' or 4,000 SF kennel building not to exceed 35 Ft. maximum per the zoning requirements. The kennel structure will meet all code requirements in Loudoun County. The kennel building is proposed to be located approximately 591 ft. +/- from the north property line, 262 Ft. +/- from the east property line, 190 Ft. +/- from the south property line and 330 Ft. +/- from the west property line. Due to the size of the subject property and the proposed location of the kennel building with regards to the property lines, it is highly unlikely that any noise generated by the use will impact the adjacent properties in the immediate area.

The facility is not open to the public, therefore there will be little traffic impact to Cider Mill Road. A commercial entrance is planned for the driveway that leads back to the kennel. The existing single family dwelling has an existing gravel driveway that will not be modified. Because the site is not open to the public, no lighting is being proposed at this time; therefore there will be no issues with glare or light trespass from the site onto adjacent properties. All required parking for this use is proposed to be located near the existing single family detached dwelling and/or the kennel building. The general location of these site elements can be seen on sheet 3 of the special exception application. Both the single family detached dwelling and the kennel building will be readily accessible to emergency vehicles at all times. The future site plan for the proposed kennel building will outline measures for fire hazard protection and measures for fire control.

Sheet 4 of 5 contains the proposed landscape buffering which is designed to adequately screen the site from adjacent properties. The surrounding properties at this time are suburban single family dwellings or 100+ acre farms, with the smallest adjacent lot being 3.15 acres +/- . As the landscape exhibit shows, the property will be screened with a buffer yard including a fence along the southwest and the frontage along Cider Mill Road. In addition, the northeast buffer yard is utilizing existing vegetation as a screen.

The site will be served by an existing well and drainfield. No odors from the proposed kennel are anticipated which would negatively impact adjacent uses. All

A-046

animal waste will be hauled off site per the applicant. There are no significant archeological, natural, historical features or landmarks on this property.

The property is located within the Rural Policy area. According to the Comprehensive Plan, properties located within the Rural Policy area are intended to retain the rural character of Loudoun County. The training facility is a minor impact on 20.97 acres +/- . The rural character of the parcel, including preservation of scenic views, will remain intact and so will the potential of future farm use.

**Conclusion:**

The Applicant/Owner's proposal for special exception is consistent with section 2-102 and the definition of a kennel as outlined in section 5-606(A). The proposal provides the Applicant/Owner with the ability to provide an essential service to global law enforcement and security agencies, while maintaining the rural character of the property and within the guidelines of the Comprehensive Plan.

Respectfully submitted,

**Patton Harris Rust & Associates**

**A Professional Corporation**

A handwritten signature in black ink, appearing to read 'Mark Thomas', with a stylized flourish at the end.

Mark Thomas, CLA

Director of Planning and Landscape Architecture

A-047

**Special Exception Issues for Consideration:**

As set forth in Section 6-1310 of the Zoning Ordinance.

**A Is the special exception consistent with the Comprehensive Plan?**

*Yes. The property is located within the Rural Policy area. According to the Comprehensive Plan, properties located within the Rural Policy area are intended to retain the rural character of Loudoun County. The kennel/training facility is a small impact on 20.97 acres +/- . The rural character of the parcel, including preservation of scenic views, will remain intact and so will the potential of future farm use. The use is agriculturally based and will be compatible with adjacent farms and agricultural uses.*

**B Will the proposed special exception adequately provide for safety from fire hazards and have effective measures of fire control?**

*Yes. Both the single family detached dwelling and the kennel building will be readily accessible to emergency vehicles at all times. The site plan for the proposed kennel building will outline measures for fire hazard protection and measures for fire control. Copies of Federal Permits have been submitted with this application for the permitted explosives and drugs for training exercises.*

**C Will the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impact the uses in the immediate area?**

*No. Due to the size of the subject property and the proposed location of the kennel building with regards to the property lines, it is highly unlikely that any noise generated by the use will impact the adjacent properties in the immediate area. There has been continued correspondence and community reach-out by the applicant to the adjacent property owners. It is anticipated that there will be community support for this application. The applicant will have a community meeting on the site prior to the planning commission public hearing and will notify the adjacent owners of the meeting when the property is posted for the hearing (two weeks prior to the hearing).*

**D Will the glare or light that may be generated by the proposed use negatively impact uses in the immediate area?**

*No. Because the site is not open to the public, no lighting is being proposed at this time; therefore there will be no issues with glare or light emanating from the site onto adjacent properties.*

A-048

- E Is the proposed use compatible with other existing or proposed uses in the neighborhood, and adjacent parcels?

*Yes. Since the use is generally agriculturally based, and the proposal is for a building that will be of agricultural design, the kennel will be compatible with adjacent farms and other agricultural used.*

- F Is the existing or proposed landscaping, screening and buffer on the site and in the neighborhood sufficient to adequately screen surrounding uses?

*Yes. Sheet 4 of 5 contains the proposed landscape buffering which is designed to adequately screen the site from adjacent properties. As the landscape exhibit shows, the property will be screened with a buffer yard including a fence along the southwest and the frontage along Cider Mill Road. In addition, the northeast buffer yard is utilizing existing vegetation as a screen.*

- G Will the proposed special exception result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance?

*Yes. Since the kennel use is such a small impact on 20.97 acres +/-, the rural character of the parcel, including preservation of scenic views, will remain intact. The proposed building will have an agriculturally based character.*

- H Will the proposed special exception damage existing animal habitat, vegetation, water quality (including groundwater) or air quality?

*No. The proposed kennel will not damage existing animal habitat, vegetation, water quality, ground water supply, structural capacity of the soil, or air quality.*

- I Will the proposed special exception at the specified location contribute to or promote the welfare or convenience of the public?

*Yes. The product (trained dogs) will contribute to the health, safety and welfare of the general public by helping with law enforcement worldwide.*

- J Will the traffic expected to be generated by the proposed use be adequately and safely served by roads, pedestrian connections and other transportation services?

A-049

*Yes. A commercial entrance is planned for the driveway that leads back to the kennel. The existing single family dwelling has an existing gravel driveway that will not be modified. The use is not anticipated to generate much traffic since it is not open to the public; therefore, there will be little impact to Cider Mill Road and the adjacent roadway system.*

- K In the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County?

*Not applicable. The special exception involves the building of a new kennel building.*

- L Will the proposed special exception be served adequately by essential public facilities and services?

*Yes. The area is served by the Loudoun County Sherriff and the Volunteer Fire and Rescue departments.*

- M What is the effect of the proposed special exception on groundwater supply?

*The proposed kennel will not impact existing ground water supply.*

- N Will the proposed use affect the structural capacity of the soils?

*No. The proposed kennel will not impact the structural capacity of the soil.*

- O Will the proposed use negatively impact orderly and safe road development and transportation?

*No. The proposed use will not negatively impact orderly and safe road development and transportation systems.*

- P Will the proposed special exception use provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan?

*Yes. The proposal will offer economic development activities in Western Loudoun most similar to agricultural uses which are the backbone of the Rural Policy Areas of the Comprehensive Plan.*

A-050

- Q Will the proposed special exception consider the need of agriculture, industry, and businesses in future growth?

*Yes. The rural character of the parcel, including preservation of scenic views, will remain intact as well as the ability of continued agricultural use.*

- R Will adequate on and off-site infrastructure be available?

*Yes. Adequate on and off-site infrastructure is available. An existing single family home currently resides on the property which is already utilizing this infrastructure.*

- S Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses?

*No. No odors from the proposed kennel are anticipated which would negatively impact adjacent uses. All animal waste will be hauled off site per the applicant.*

- T Will the proposed special exception use sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas?

*No. The proposed building will not generate anything out of the ordinary for the local area with respect to construction timing, neighborhood impact etc.*

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January 7, 2009

Michael Elabarger, Project Planner  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, VA 20177-7000



**RE: SPEX 2008-0022, Cider Mill Kennel**  
**3<sup>rd</sup> Submission Referral Comments**



Dear Mr. Elabarger:

We have addressed the returned third submission referral comments from Department of Building and Development, Zoning Administration as well as the Department of Planning and offer the following in response.

**Department of Building and Development, Zoning Administration (dated 12-2-08)**

1. The designated outdoor training area illustrated on the plat must be located 100 feet from all property lines. Section 5-606(A)(1) defines a "kennel" as any place in or at which ... .. dogs... are trained, boarded, or handled. The outdoor training area is considered part of the kennel. Section 5-606(C)((1) requires an outdoor kennel to be set back 100 feet from a property line.

**Response:** The Outdoor Training area label has been removed from the plat. The area in question is an existing horse paddock that will remain. The 100' setback line has been shown on the plat around the new structure to the rear of the property.

2. In order to verify that the site will be in compliance with Section 2-103(A)(3)(c), illustrate the required yards on the plat as provided on the previous submission. Also indicate the setback from all property lines for the kennel building and training areas to verify compliance with Section 5-606(C)(1).

**Response:** The 100' setback line has been shown on the plat around the new structure to the rear of the property. All outdoor kennel related activities will be within this 100' setback area.

**Department of Planning, Community Planning - December 9<sup>th</sup>, 2008**

**RECOMMENDATION**

**ATTACHMENT 4**

**A-053**

VIRGINIA OFFICES:  
Chantilly  
Bridgewater  
Leesburg  
Virginia Beach  
Woodbridge

LABORATORY:  
Chantilly

MARYLAND OFFICES:  
Columbia  
Frederick  
Germantown  
Hollywood

WEST VIRGINIA  
OFFICE:  
Martinsburg

T 800.553.PHRA  
T 703.777.3616  
F 703.777.3725

208 Church St., S.E.  
Leesburg, VA  
20175



Staff finds that the proposed use of the subject property for a kennel is consistent with the planned land use and is supported by the rural policies of the Revised General Plan.

However, staff is not able to support the application until the issues above have been addressed. Staff has identified remaining issues pertaining to potential noise emanating from the kennel; in particular dogs utilizing the proposed outdoor covered runs which may adversely affect neighboring uses. Staff suggests that noise studies be conducted to ensure that the proposed kennel will be in compliance with County noise standards, which require that noise levels do not exceed 55 dB(A) at the property line, prior to construction

**Response:** As a matter of clarification, the 'outdoor' runs specifically noted on the architectural plan for the kennel are the outdoor areas in which the dog is held when the interior of the building is being cleaned. The applicant is dedicated to minimizing the noise level at the property line. The applicant is awaiting a decibel meter for use on the property and to check the readings at the Fairfax county shelter which happens to be the same building we are proposing. The applicant is proposing to test the decibel levels at that actual building since it is the identical structure. The meter should be in next week. We will forward you the results as soon as we have them.

Please accept this resubmission of the special exception plan set. We would like to get this in front of the Planning Commission Public Hearing in February. Please let me know if you have any issues with this request.

Respectfully Submitted,

Patton Harris Rust & Associates

*A Professional Corporation*



Mark Thomas, CLA  
Director of Planning and Landscape Architecture

P:\Project\13826\1-C\Planning\Admin\Correspondence\Letters\SP\EX\Comment-response-3rd-1-7-09.doc

A-054

November 25, 2008

Michael Elabarger, Project Planner  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, VA 20177-7000



RE: SPEX 2008-0022, Cider Mill Kennel  
2<sup>nd</sup> Submission Referral Comments



Dear Mr. Elabarger:

We have addressed the returned second submission referral comments and offer the following in response.

**Health Department - Environmental - September 15, 2008**

- 1) *Comment 1.* The applicant has indicated in their response that they will have a separate (approved) sewage disposal system for the kennel facility. Furthermore, the applicant states they will have the drainfield identified as part of the site plan application. With that, it should be noted that the site plans and building permits can not be approved by this office without the new sewage disposal system being submitted to and approved by this office.

**Response:** Applicant acknowledges that a new sewage disposal system is to be submitted for approval, prior to approval of the site plan.

**Department of Planning - September 5, 2008**

*Staff finds that the proposed use of the subject property for a kennel is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan. However, staff recommends that conditions of approval be developed to restrict on the number of dogs, times and amount of outdoor training, and type of dog training to ensure compatibility with the surrounding rural residential uses,*

CORPORATE:  
Chantilly

VIRGINIA OFFICES:  
Chantilly  
Bridgewater  
Fredericksburg  
Leesburg  
Richmond  
Virginia Beach  
Winchester  
Woodbridge

LABORATORIES:  
Chantilly  
Fredericksburg

MARYLAND OFFICES:  
Baltimore  
Columbia  
Frederick  
Germantown  
Hollywood  
Hunt Valley

WEST VIRGINIA  
OFFICE:  
Martinsburg

T 800.553.PHRA  
T 703.777.3616  
F 703.777.3725  
208 Church St., S.E.  
Leesburg, VA  
20175

A-055

**Response:** Although the current plan and draft kennel plans calls for a maximum of 30 dog runs there will never be an occasion where there will be 30 dogs and handlers training at the same time on the property. Please refer to the below bulleted statements that will better explain the maximum and minimum numbers of possible operations on the property;

The draft kennel plan shows kenneling for a maximum of 30 dogs. This is a maximum number. It is unlikely that there will ever be 30 dogs in the kennel.

Canine training operations on the property site consist of;

- Imprinting, (training a dog to find explosives or narcotics in its fundamental stages). Once a dog is fundamentally trained and imprinted it is then taken off site to be exposed to numerous "off-site" training locations. Imprinting is always inside of a closed building, (in this case a barn).
- Handler training in its beginning stages. 75% of the training takes place off site at other locations. All on-site training takes place in a fenced in area or closed barn.
- Housing of dogs in transition, Canines will be trained 2-6 weeks and then sent out on contract. The dogs do not remain on-site for more than six weeks.
- There will never be more than 10 handlers training at one given time with only four of those staying in the house.
- On -site training will always occur during daylight hours and never on the weekends.
- Even with any number of dogs in the kennel many of them will be taken off site during the daytime hours for off-site training. This will greatly reduce the number of dogs in the kennel during day time hours.
- There will be a large percentage of time that there will be very few dogs in the kennel 3-5 at the most.

P<sub>H</sub>R+A

A-056

*Staff requests that the applicant submit architectural drawings depicting the types of acoustical treatments being proposed for the kennel in order to provide assurance that the building will comply with County standards. Staff recommends that conditions of approval be developed to ensure that the noise levels will be in compliance with County standards and that corrective measures by the applicant will be undertaken should the noise levels in the future exceed these standards.*

P<sub>H</sub>R+A

**Response:** The applicant has submitted with this resubmission the kennel drawings in plan and elevation for review. The kennel has been designed by a company specializing in kennel design and operations. The applicant is aware of Loudoun County Zoning requirements with respect to sound and noise. The applicant will comply fully with those standards. If these standards cannot be met, corrective measures will take place either with building changes or operational changes.

*Staff finds that the proposed application does not fully comply with Plan policies pertaining to the preservation and protection of Virginia Byways. Staff continues to recommend that the existing driveways in the front of the residence be abandoned and that all access to the subject property be provided by the single proposed commercial entrance in order to improve the visual and aesthetic quality of the road frontage of Cider Mill Road, a designated Virginia Byway.*

**Response:** The applicant has agreed to combine the two existing entrances into the new, single commercial entrance.

Office of Transportation Services – November 10, 2008

**Status:** OTS understands Cider Mill Road is a scenic byway. However, byways are not exempt from improvements when required by increasing traffic volumes. Please note that Cider Mill Road has only 18 feet of pavement. Cider Mill Road is currently not in the Secondary Road Improvement Program. As such a reservation of right-of-way for dedication at the request of the Board of Supervisors would suffice. A 50-foot right-of-way would be required to accommodate lane and shoulder widening by others, in the future.

**Response:** The applicant has agreed to combine the two existing entrances into the new, single commercial entrance. In

A-057

addition, the applicant has agreed to the 25' reservation for future dedication along the Cider Mill Road frontage.

**Department of Building and Development - Zoning Administration and Environmental Review Team September 2, 2008**

**Zoning Comments Second Referral  
October 24 2008:**

P<sub>H</sub>R+A

*Comment . . . . Temporary living quarters for the trainers" as an accessory use is not permitted within the AR-1 zoning district. The single family dwelling located on the property may be used as living quarters for the trainers if it is a principal use and if occupancy meets the definition of a "family" as defined in Article VIII. "Family" is defined in part as "A group of people living together consisting of . . . . No more than 4 unrelated persons." Therefore, in order to use the dwelling to house the trainers, only four trainers may occupy the house at any one time. Also, the office/training room is accessory to the kennel principal use and should be located within the 4,000 sf kennel building*

**Response:** The applicant acknowledges that there may not be more than four (4) unrelated persons staying in the house at any one time. In addition the training room will be include in the new kennel building.

**Environmental Review Team Comments  
October 28, 2008:**

*Comment 1* To demonstrate compliance with the Steep Slope Standards in Section 5-1508 of the Revised 1993 Loudoun County Zoning Ordinance and the River and Stream Corridor Policies of the Revised General Plan, staff recommends the following:

- Depict moderately steep slopes (15 to 25 percent) and very steep slopes (greater than 25 percent) on sheets 2 and 3, based on the provided 2-foot topography (i.e. topographical analysis).

**Response:** The plan has been updated to include the moderately steep and steep slopes per the 2' contour slope analysis.

- Depict the River and Stream Corridor 50-foot Management Buffer surrounding the major floodplain and adjacent very steep slopes (starting within 50 of the floodplain, extending no farther than 100 feet beyond the floodplain), or the 100-

A-058

foot Stream Buffer measured from the channel scar line, whichever is greater, on sheets 2 and 3. Land disturbances associated with the proposed kennel building and gravel access should be located outside of the protective buffer.

**Response:** The layout has been revised to move the building and associated grading of the building out of the management buffer. there will be grading for the gravel access road in the buffer due to the tree that will be saved as a result. In addition the grading for the roadway will be minimized due to the existing topographic conditions as well as the location of the existing access road the plan ties to.

PHR+A

VDOT, November 25, 2008:

1 *As previously stated, we have no objection to the proposed use.*

2 *As discussed in our previous comments on STPL 206-0021 and the February 14, 2008 traffic study by Patton, Harris, Rust, and Associates, sight distance from the entrance is an issue. The applicant should take whatever measures can be taken to improve sight distance by grading the slopes on both sides of the entrance and selectively clearing vegetation, as discussed on page 30 of the traffic study. We note the following:*

a. *The position of the exiting driver's eye should be 14.5' from the edge of pavement rather than 8'. See 2004 AASHTO Policy on Geometric Design of Highways and Streets page 657 (and 2001 edition page 660, cited in 24 VAC 30-71-130 Minimum Standards of Entrances to State Highways).*

b. *It appears that entrance sight distance may be appropriately based on operating speeds lower than the 55 mph statutory speed limit, i.e. 20 mph for northbound traffic approaching from the south and 40 mph for southbound traffic approaching from the north.*

**Response:** In previous negotiations with VDOT, it was determined that a waiver of liability letter and agreement would be recorded. This attached agreement shows the dimensional aspects of what exists in the field with respect to site distance. The applicant will explore clearing vegetation and grading of the slope, on-site, to the extent possible to facilitate the best sight distance with the site plan submission.

2. *We support dedication of right of way 25' from the centerline of Route 751 as discussed in the Loudoun County Office of Transportation Services comments. As Office of Transportation Services observed, Virginia Byways are not exempt from future improvements.*

**Response:** A 25' reservation for future dedication has been agreed to by the applicant. This will be detailed on the site plan resubmission.

A-059

Respectfully Submitted,  
Patton Harris Rust & Associates  
*A Professional Corporation*

P<sub>H</sub>R+A



Mark Thomas, CLA  
Director of Planning and Landscape Architecture

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response-2ndreferral.doc

A-060

October 15, 2008

Michael Elabarger, Project Planner  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, VA 20177-7000

**RE: SPEX 2008-0022, Cider Mill Kennel  
1st Submission Referral Comments**

Dear Mr. Elabarger:

We have addressed the comments dated September 15, 2008 in addition to the comments from the Department of Animal Care and Control dated September 26, 2008 and offer the following in response.

**Department of Parks, Recreation, and Community Services – August 20, 2008**

*Comment 1. The Applicant, via the Statement of Justification, does not state how many dogs are intended to be housed/trained at any given time at the facility. Is there a standard size for a dog-training class?*

**Response: Note #5 has been amended to state that the number of dogs that will be allowed on the property at any given one time will be no more than 40.**

**A class will never be more than 8 students.**

*Comment 2. The Applicant, via the Statement of Justification, does not state intentions of any outdoor space for the dogs. Will all housing and training take place within the indoor facility? Will the dogs be allowed any time on- or off-leash outdoors?*

**Response: Housing of the canines will take place in an indoor facility.**

**Approximately 95% of the daily training will take place in an indoor area while approximately 5% will take place on the agility course (outdoor training area).**

**Canines will never be allowed to run off-lead unless they are in a fenced in area.**

**Health Department - Environmental – August 28, 2008**

A-061



**Health Department Comments:**

*Comment 1. This office requires to be provided the maximum number of "Trainers" proposed to work at and be housed at the facility. In addition, if any day workers, guests or visitors are expected, then estimates on the numbers and frequency of visits are required.*

**Response:** Note #5 on Sheet 1 has been amended to state that the number of trainers/handlers that will occupy the single family dwelling at any given one time will be 6 persons.

**There will be no additional workers besides the trainers who are occupying the single family dwelling.**

*Comment 2. It appears the proposed kennel will have no waste disposal facilities. If the "trainers" are to be the only people at the facility (i.e. no visitors, no day workers) then the house must have adequate water and sewage disposal for the trainers. Note, the sewage disposal system currently serving the existing house is sized for a maximum of residential 2 bedrooms with no reserve area. With the change of use, ample reserve area must be identified by a consultant, submitted to and approved by this department.*

**Response:** The house has been recently recertified for six (6) persons. The kennel will have a separate septic system for canine waste as well as human waste.

*Comment 3. The proposal should be more specific with regards to disposal of the animal waste and any kennel wash down water. Clarification should be provided about any animal bathing, washing of any animal bedding or supplies that might be done.*

**Response:** The kennel will have a separate septic system for canine waste as well as animal waste. It is understood this additional drainfield will be necessary for the development of the Site Plan Application.

*Comment 4. All existing wells and drainfields are shown on future plats.*

**Response:** The existing drainfields and wells are shown on the Special Exception.

**Department of Planning – August 29, 2008**

*Comment 1. Staff finds that the application for a Special Exception (SPEX) to permit the establishment of a kennel on the subject site is in compliance with the land use policies of the Revised General Plan for the Rural Policy Area. However, staff has identified several issues related to the scale and intensity of use as well as compatibility of the proposed kennel*

A-062

*use on the subject property that require additional information to be submitted for review so that a more thorough analysis of the proposed project can be completed.*

*Staff requests the following information:*

- *Additional information and clarification regarding the number of persons (trainers, handlers, etc.) and dogs which may utilize and/or occupy the subject property as part of the proposed kennel expansion*

**Response:** Note #5 on Sheet 1 has been amended to state the maximum number of dogs (40) that will be allowed on the property and the maximum number of trainers/handlers (6) that will occupy the single family dwelling at any given one time.

- *Additional information to determine if any additional outdoor training activities will be associated with the proposed kennel expansion and/or if any additional impacts may be associated with the proposed use of the subject property*

**Response:** The outdoor agility course has been noted on the plan. This is the only outdoor area proposed and it is approximately 5% of the on-site training.

- *Additional material and/or studies to demonstrate that the anticipated noise levels emanating from the use of the subject property as a kennel will not adversely affect adjoining residential uses and will be in compliance with County standards.*

**Response:** Please see added note #26 which states the zoning regulations- specifically those additional regulations under (Section 5-606), "the maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A), per section 5-606(C)5".

*Staff recommends the following design changes:*

- *Elimination of the existing gravel driveway with its two entrances at the front of the residence and consolidation of all the entrances to the proposed commercial entrance to the south to improve road safety and contribute to the aesthetics of Cider Mill Road which is a designated Virginia Byway*

**Response:** The applicant will determine at the time of the site plan if the entrance closest to the proposed commercial entrance can be removed. The entrance to the north would loop in front of the existing facility and tie to the proposed entrance.

A-063

- *Incorporate acoustical treatments, such as concrete block walls and insulated steel roofing panels, into the design of the proposed kennel to further minimize noise emanating from the building.*

**Response:** The proposed kennel design will have noise control solutions written into the design and construction. The proposed building is being designed by a kennel specialist in which the acoustical treatments are a fundamental key in the design of the structure.

*Staff recommends the applicant commit to the following:*

- *Provision of site lighting which is the minimum intensity of lighting necessary for the operation of the proposed kennel.*

**Response:** Note #21 on Sheet 1 has been amended to state that all lighting will conform to Section 5-652(A) and Section 5-1504.

- *Provide for the long-term maintenance and care of the proposed landscape buffers to ensure that the proposed kennel will be properly screened from adjoining residential uses and is compliance with county standards.*

**Response:** It is understood that the applicant will maintain the buffer yards.

#### Office of Transportation Services – September 2, 2008

*Comment 1. A VDOT commercial entrance should be provided to serve the site. OTS supports Community Planning's request that the existing residential driveway entrance be consolidated with the new entrance. Please note Cider Mill Road is a designated Virginia Byway.*

*Provide a VDOT approved commercial entrance off Cider Mill Road.*

**Response:** A commercial entrance is proposed. The applicant will determine at the time of site plan if the southern existing entrance can be removed.

*Comment 2. Future improvements to Cider Mill Road, by others, would be facilitated by a dedication of right-of-way 25-feet from centerline.*

*Confirm or dedicate 25-foot right-of-way from centerline of Cider Mill road for future improvements.*

A-064

**Response: Dedication is not proposed since Cider Mill is a Virginia Scenic Byway. There are no future improvements proposed to this roadway. If dedication is required it will be evaluated with the site plan.**

**Department of Building and Development – Zoning Administration and Environmental Review Team September 2, 2008**

*Comment 1. Conformance with section 6-1310, Issues for consideration in reviewing a special exception application:*

- (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

*The kennel use is subject to the additional regulations of Section 5-652(B), Noise Standards, which prohibits noise-producing activities to be located within 250 feet of an existing single family residential use. In addition, Section 5-652(B)(2) limits the maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, to not more than 55 dB(A). Staff recommends that the applicant indicate the maximum number of dogs to be on the property at one time and demonstrate that the noise level will not exceed the standard of Section 5-652.*

**Response: This application is subject to additional regulations as outlined in Section 5-606. The requirements for “noise” are specifically outlined in Section 5-606(C)(5) and state the following: “the maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).” As far as “noise” requirements, there is no further reference to section 5-652.**

**Note #5 has been amended to state that the number of dogs that will be allowed on the property at any given one time will be no more than 40.**

**Please also see added note #26 which states the zoning regulations-specifically those additional regulations under (Section 5-606), “the maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A), per section 5-606(C)5”.**

- (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

*The applicant indicated in the Statement of Justification that no lighting is proposed at this time. Please note that, if there is a necessity for lighting in the future, the lighting standards found in Section 5-652(A), Exterior Lighting Standards, will apply to the use.*

A-065

**Response: Note #21 on Sheet 1 has been amended to state that all lighting will conform to Section 5-652(A) and Section 5-1504.**

(E) *Is the existing or proposed landscaping, screening and buffer on the site and in the neighborhood sufficient to adequately screen surrounding uses?*

*Staff recommends that the applicant commit to the proposed landscape plan as submitted which provides for a type 4 buffer yard on the east and southwest property lines with the correction of the width of the yard. As of December 3, 2007, the minimum width of the side type 4 buffer yard is 25' and the maximum width is 30'*

**Response: It is the intent that we are committing to the proposed landscape plan as submitted with the special exception application. Note #15 on Sheet 1 states that Section 5-1400 shall be applicable and furthered outlined at site plan stage. The number of plantings, the general location of plantings and the type of plant material (i.e. canopy tree, evergreen tree, understory tree, and shrub) are being shown per a type 4 buffer yard. The specific plant species, exact locations of plantings, and a tabulation of the buffer requirements will be further outlined during the site plan stage.**

**In addition, the minimum width of the side type 4 buffer yard has been amended to be 50', per Section 5-653(A).**

*The plat illustrates the southwest side type 4 buffer yard to be 20' wide. If the single family dwelling located on the adjacent property southwest of the subject property is within 300' of the subject property line, the landscape requirements of Section 5-653 will apply, which requires the first 50' to be landscape and screened.*

**Response: Any portion of the property line that is within 300' of the existing dwelling on the adjacent property has been amended to have a 50' wide buffer. Section 5-653(A) requires that the screen be equivalent to a type 3 buffer yard. We are proposing type 4 buffer yard plantings along this area of the property line, which is more stringent than a type 3 buffer yard.**

*Please note that, pursuant to Section 5-1405(B), existing vegetation to be utilized to meet the Type 4 buffer requirement must be located on the subject property. Also note that, at the time of site plan submittal, the applicant will be required to provide pictures and a narrative from a licensed arborist or forester describing the type, amount, and condition of the existing vegetation for review by the County Forester in order to determine if the existing vegetation meets the requirements of a Type 4 landscape buffer. The applicant will be required to provide plantings to bring the buffer into compliance with a Type 4 landscape buffer if needed.*

**Response: The comment is acknowledged.**

A-066



**Zoning Comments:**

*Comment 1. A table of lot and building requirement of the AR-1 zoning district, as well as the additional regulation of Section 5-606, should be included on the plat*

**Response: Note #25 on Sheet 1 has been added to the plat stating the zoning requirements of section 2-102 and section 5-606.**

*Comment 2. Section 5-606(C)(6)(b) requires all parking areas serving the use to be of a dust-free surface material as provided in the Facilities Standards Manual. Indicate on the plat that the parking areas will be in compliance with this section.*

**Response: The applicant will comply with zoning ordinance and the FSM as applicable.**

*Comment 3. General Note #20 should indicate that any lighting for the proposed use is subject to Section 5-606, Additional Regulations for Specific Uses, as well as Section 5-1504.*

**Response: Note #20, now note #21, on Sheet 1 has been amended to state that all lighting will conform to Section 5-652(A) and Section 5-1504.**

*Comment 4. General Note #21 should also indicate that the proposed use is subject to the performance standards found in Section 5-606, as well as 5-1500.*

**Response: General note #21 has been combined into note #4 on Sheet 1 and states the above comment.**

*Comment 5. The applicant indicated in the Statement of Justification that the house located on the subject property will be used as living space for the trainers. In order to use the house as a single family dwelling, no more than four unrelated adults may occupy the house at one time. The single family dwelling is a permitted principal use on the subject property.*

**Response: The house is not being used as a single family dwelling, however being used as an ancillary use related to the kennel as an office/training room as well as temporary living quarters for the trainers.**

**Environmental Review Team Comments:**

*Comment 1. Depict the River and Stream Corridor 50-foot Management Buffer surrounding the major floodplain and adjacent steep slopes (slopes greater than 25 percent, starting within 50' of the floodplain, extending no farther than 100 feet beyond the floodplain), or the 100-foot stream Buffer measured from the channel scar line, whichever is greater, on sheets 2 and 3. Land disturbances associated with the proposed kennel building and gravel access should be located outside of the protective buffer. [Revised General Plan (RGP), Pages 5-6, River and Stream Corridor Resources Policies]*

A-067

**Response:** In keeping with the Revised 1993 Zoning Ordinance, the plan has been updated to include the scenic creek valley buffer which, in this case, is 150' from the scar line of the creek. No grading will be proposed within this area.

A minimal amount of grading will occur for the access road to the kennel building will occur in the buffer area. This actual area is already within an existing travel way to the rear fields in the property, thereby requiring minimal disturbance.

*Comment 2. Identify the moderately steep slopes (15-25%) and very steep slopes (greater than 25%) impacted by the development. Development is subject to the performance standards in Section 5-1508.*

**Response:** The moderately steep slopes have been identified on the plat and are noted in the legend on sheets 2,3 and 4. The hatching has been darkened to show better clarification.

*Comment 3. Consistent with the Forest, Trees, and Vegetation policies of the RGP, staff recommends preserving forest cover as part of this application. As discussed during the site visit on August 14 2008, staff recommends that the location of the proposed kennel and alignment of the gravel access be shifted to accommodate preservation of the existing sycamore tree located in the general area (see attached photographs). Consistent with SPEX Checklist Section K.12, please identify the location of the sycamore tree on Sheet 3.*

**Response:** The alignment of the travel way and the building have been altered to help preserve the specific tree in question. The building will be built into the hillside to eliminate excessive grading. A wall or a series of terraces will be utilized to limit disturbances. It is not anticipated that there be disturbance to the existing treeline serving as a creek valley buffer.

*Comment 4. Based on review of aerial photography, substantial areas within the major floodplain on the subject property are open fields. These areas are often good locations for wetland mitigation projects. Staff recommends that the applicant consider these areas for wetland creation, which can be utilized as a form of mitigation for wetlands impacts taken with other projects in the county. Creating wetland and/or stream mitigation banks is a business opportunity that can also complement river and stream corridor policy 23, not net loss of wetland habitat in Loudoun County, of the RGP. The ERT is available to meet with the applicant to discuss the mitigation process and potential at the subject property.*

**Response:** Currently the open fields are being leased to a farmer for the agricultural purpose of raising cattle. The owner will entertain the possibility of creating wetlands in the future.

A-068

**Department of Fire, Rescue, and Emergency Management – September 9, 2008**

*Comment 1. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.*

**Response: Comment acknowledged**

**Virginia Department of Transportation – September 12, 2008**

*Comment 1. We have no objection to the proposed use.*

**Response: Comment acknowledged**

*Comment 2. As discussed in our previous comments on STPL 2006-0021 and the February 14, 2008 traffic study by Patton, Harris, Rust, and Associates, sight distance from the entrance is an issue. The applicant should take whatever measures can be taken to improve sight distance by grading the slopes on both sides of the entrance and selectively clearing vegetation. The copies of the traffic study provided to this office include only the odd numbered pages, so we are unable to comment in detail on the study at this time. However we note the following:*

*a. The position of the existing driver's eye should be 14.5' from the edge of pavement rather than 8'. See 2004 AASHTO Policy on Geometric Design of Highways and Streets page 657 (and 2001 edition page 660, cited in 24 VAC 30-71-130 Minimum Standards of Entrances to State Highways).*

**Response: The sight distance will be finalized with the actual Site Plan submission.**

*b. A complete copy of the speed study discussion in appendix B and the supporting speed study field data should be submitted for review, to support the traffic engineer's conclusion that entrance sight distance may be appropriately based on operating speeds lower than the 55 mph statutory speed limit.*

**Response: A complete copy of the traffic study has been submitted with this re-submission.**

*c. There has been some discussion of this issue between the applicant's engineers and the VDOT Leesburg Residency permit office in the Fall of 2007. Documentation of any agreements reached in those discussions should be provided.*

A-069



**Response:**      **The Liability Letter has been submitted with this resubmission. This eliminates the responsibility of VDOT with respect to the proposed entrance.**

**County Animal Care and Control**

*Comment 1.      Mr. Tim Tonsor submitted an application for a kennel permit to Animal Care and Control back in December of 2005. The application requested permission to house up to eight (8) dogs of various breeds at 14807 Cider Mill Road, Purcellville Virginia.*

*The application for a kennel permit became inactive upon the applicants request back in the spring of 2006. An updated application for a kennel permit should be submitted for this site.*

*Based on the 2005 application and materials submitted with the referral, Animal Control does not anticipate any problems with the proposed kennel and feels that it will meet the minimum standards for the operation of a kennel as set forth in Section 808.07 of Chapter 808 of the Codified Ordinances of Loudoun County.*

*Animal Control would like to present the kennel application to the Board of Supervisors when the special exception is presented, if at all possible.*

**Response:**      **The applicant plans to reapply for the kenneling application with all associated upgrades after approval of this special exception.**

Please find the attached resubmission sets and please let us know if you have any questions regarding this resubmission. As a related item, we plan on submitting detailed building design of the kennel in the near future. We look forward to seeing the successful completion of this application.

Respectfully Submitted,

Patton Harris Rust & Associates

***A Professional Corporation***



Mark Thomas, CLA  
Director of Planning and Landscape Architecture



## Loudoun County, Virginia

Department of Building and Development  
1 Harrison Street, SE, Leesburg, VA 20177-7000  
Administration: 703/777-0397; Fax: 703/771-5215

March 24, 2005

Worldwide Security Services, Ltd.  
Attn: Jim Jacobson  
jdj@gjlaw.com

**RE: Canine Training Program at 14807 Cider Mill Road (Northwest of Hillsboro)**  
**Revised 1993 Zoning Ordinance, AR-1 and A-3 Zoning Districts**  
**Tax Map/Parcel: 15/25 (MCPI: 548-10-4925)**

Dear Mr. Jacobson:

I am writing in response to your electronic mail dated March 10, 2005, in which you requested a determination addressing the establishment of a "specialty canine training program" on the referenced property. In particular you asked for written confirmation that the use would not require a special exception or variance. Based on the information provided in your electronic mail, the use would not require special exception approval. As no new buildings are proposed, it does not appear as though a variance would be necessary. The basis for this finding is discussed in further detail below.

On January 7, 2003, the subject property was remapped from the A-3 (Agricultural Residential) zoning district to the AR-1 (Agricultural Rural-1) zoning district under the Revised 1993 Loudoun County Zoning Ordinance. However, on March 3, 2005 the Supreme Court of Virginia issued an opinion to revoke the AR-1 remapping. Once the order is entered, the zoning will most likely revert to the prior A-3 zoning. As the zoning status of the property is uncertain at this time, this letter provides information based on the AR-1 and A-3 zoning districts. The property also contains approximately 7 acres of major floodplain and is therefore subject to Section 4-1500, FOD-Floodplain Overlay District of the 1993 Loudoun County Zoning Ordinance (unrevised). The AR-1, A-3 and FOD district regulations are enclosed for your reference.

Per Section 5-606 (enclosed), kennel shall mean:

"...any place in or at which, for a fee, dogs, cats, or other household pets are trained, boarded or handled in numbers greater than the following as provided for in this Ordinance:

- (a) Two (2) dogs upon any lot less than 15,000 square feet in size.
- (b) Four (4) dogs upon any lot which is at least 15,000 square feet in size but less than 20,000 square feet in size; when four dogs are kept on a lot

ZCOR 2005-0065

ATTACHMENT 5

A-071

of 15,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.

- (c) Six (6) dogs upon any lot which is at least 20,000 square feet in size; when six dogs are kept on a lot of 20,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.

More than six dogs may be kept on lots larger than 20,000 square feet, provided that dogs are kept as follows:

- (i) The required twenty five (25) foot setback shall be increased by an additional ten (10) feet, not to exceed a maximum of one hundred (100) feet, for each additional two (2) dogs, and
- (ii) The lot size shall be increased 10,000 square feet for each additional two (2) dogs."

You have stated that 6 to 8 dogs will be kept on site and that the two existing barns that will be used are more than 100 feet from any property line. As such, the canine training program does not qualify as a "kennel" under the Zoning Ordinance definition and may operate in the AR-1 and A-3 zoning districts without a special exception. If the canine training program expands or changes from the description provided, this office will need to reevaluate the use to determine conformance with the Zoning Ordinance.

The existing 3-bedroom house is a "single-family detached dwelling" under the Zoning Ordinance. Per Article 8, "family" is defined as:

"A group of people living together consisting of:

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or
- b. No more than 4 unrelated persons;
- c. Any group identified in Section 15.2-2291 of the Code of Virginia."

Provided the existing single-family detached dwelling is used for residential purposes in accordance with the definition of "family" as stated above, the dwelling is permitted in accordance with Table 2-102 in the AR-1 district and Section 2-402(O) in the A-3 district.

In accordance with Section 6-701, site plan approval is required prior to establishment of the canine training program on the property. Please contact the Engineering Division of Building and Development at (703) 777-0116 for more information. Once a site plan is approved, you will need to obtain a Zoning Permit in accordance with Section 6-1000.

Although you do not meet the Zoning Ordinance definition of a "kennel," the canine training program will be regulated under Chapter 808, Dog Kennels of the Business Regulation and Taxation Code. You will need to contact the Department of Animal Care and Control at (703) 777-0406 to ensure compliance with Chapter 808.

County records indicate that the property currently participates in the Land Use Assessment Program, which provides for the deferral of real estate taxes when a property meets qualifying

Mr. Jim Jacobson  
March 24, 2005  
Page 3

standards for agricultural, forestry, horticultural or open space uses. Establishment of the proposed use may change the property's status with regard to this program. Please contact the Office of Financial Services at (703) 777-0290 for more information.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

If you have any questions regarding this correspondence, please contact me at (703) 777-0397, ext. 8890.

Very truly yours,

*Amy Lohr*

Amy Lohr, AICP  
Planner, Zoning Administration

Enclosures: Sections 2-100, 2-400 & 5-606, Revised 1993 Z.O.  
Section 4-1500, 1993 Z.O. (unrevised)

cc: Jim Burton, Blue Ridge District Supervisor  
Melinda M. Artman, Zoning Administrator  
Marilee L. Seigfried, Deputy Zoning Administrator  
Kim Miller, Animal Care & Control  
Marsha Keim, Zoning Permits  
Robyn Bailey, Economic Development  
Property Owner of Record: Eric Clegg & Margaret Gentry

ZCOR 2005-0065

A-073

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**TABLE 2-102:**  
**AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE**  
**P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
<b>Agriculture Support and Services <u>Not</u> Directly Associated with On-Site Agricultural Activity</b>	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
<b>Animal Services</b>	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
<b>RESIDENTIAL USES</b>			

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- (D) Accessory products include those related to the culture and care of plant sold such as pottery, baskets, garden accessories, baked goods, and floral supplies. The sale of bulk products shall be permitted subject to screening requirements for outdoor storage in Section 5-1414(A). Propane, firewood lawn and garden tractors, or machine or other equipment sales are not accessory products.
- (E) The sales area for accessory products shall be limited to twenty five percent (25%) of the gross sales area.

5-606

**Kennels/Indoor Kennels.** Nothing herein shall relieve a kennel from complying with the provisions of Section 808 of the Codified Ordinances of Loudoun County. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**(A) Kennels.**

- (1) **General.** Kennel shall mean any place in or at which, for a fee, six or more dogs, cats, or other household pets over the age of six months are trained, boarded or handled:
- (2) **Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

**(B) Indoor Kennel.**

- (1) **General.** Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.
- (2) **No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Board of Supervisors may impose pursuant to special exception review (Section 6-1300).
- (3) **Accessory Uses.** Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.

- (C) Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR and JLMA districts shall comply with the following standards.

A-077



- (1) **Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.
- (2) **Roads/Access.**
  - (a) All kennels shall comply with the road access standards of Section 5-654.
  - (b) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.
- (3) **Landscaping/Buffering/Screening.**
  - (a) The use shall comply with the landscaping and screening standards of Section 5-653(A).
  - (b) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
- (4) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (5) **Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).
- (6) **Parking.**
  - (a) **General.** Parking and loading shall be provided as required by Section 5-1102.
  - (b) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standard Manual.

5-607

**Recycling Drop-Off Centers and Material Recovery Facilities.**

- (A) **General Standards for Recycling Drop-Off Centers.** All recycling drop-off centers, public or private, shall meet the following minimum standards:
  - (1) Centers may be established on a site which has either a public or private school, shopping center, community center, church, park, fire station, or library, or may be established on land owned by a local government or an owners' association.
  - (2) A center may utilize movable containers and trailers to collect and store recyclable materials.

A-078

- (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
- (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (H) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

**5-652**

**Exterior Lighting and Noise Standards for Specific Uses.** The following exterior lighting and noise standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

(A) **Exterior Lighting Standards.**

- (1) **Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.
- (2) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.
- (3) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.
- (4) **No Illuminated Signage.** Signage related to the use shall not be illuminated.

(B) **Noise Standards.**

- (1) **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.
- (2) **Maximum dB(A).** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line of any adjacent residential lot where the lot is designed for a single family dwelling unit as a principal use, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 PM.

**5-653**

**Landscaping Standards for Specific Uses.** The following landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

- (A) **Setbacks or Yards Adjacent to Certain Sized Lots.** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four

(4) acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The use of natural topography, vegetation, and trees that provide screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).

- (1) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.
- (B) **Parking Areas.** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.
- (C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.

#### 5-654

**Road Access Standards for Specific Uses.** The following road access standards shall apply to specific uses in this section when they are expressly referenced in the standards for specific use. All Facilities Standards Manual provisions regarding waivers apply.

**TABLE 5-654: ROAD ACCESS STANDARDS**

Average Generated Daily Vehicle Trips (VTD)	Onsite Private Road Construction Standards	Public Road Access	
		Public Paved Road Standards <sup>(1)</sup>	Public Unpaved Road Standards <sup>(1)</sup>
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	Permitted	Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	Permitted	Permitted
71 - 250 VTD	FSM Chapter 4, Table 3, Type C3 Roadway	Permitted	Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Permitted	Special Exception Review required (Section 6-1300)
More than 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 6-1300)	Special Exception Review required (Section 6-1300)

<sup>(1)</sup> Characteristics of the first public road accessed by project's private access road.

#### 5-655

**Elementary or Middle School for 15 pupils or less.**

- (2) Earth vibration produced from sources other than blasting shall not exceed a maximum resultant peak particle velocity of .03 inches per second.
  - (3) The peak over pressure (noise) from any blast shall be limited to 129 dB, as measured at 5 or 6 Hz high pass system.
  - (4) Airborne noise produced from extractive operations other than blasting shall not exceed the following limit, as measured at the lot line of the extractive industry: 80dBA maximum, continuous noise.
  - (5) For noise and vibrations induced by blasting, measurement shall be taken at the nearest off-site occupied building, measured in a straight line distance from the point of the blast.
  - (6) For noise and vibrations induced by sources other than blasting, measurement shall be taken at the property line of the extractive industry.
- (F) In addition, the Board of Supervisors, as a condition of a special exception, may further limit vibration and noise levels where, in the Board's opinion, the existing and proposed surrounding land use or proximity of population in the area warrants additional protection.

**5-1507**

**Noise Standards.** It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set forth in the following tables, except for extraction and mining special exception operations otherwise regulated herein. In addition, before 7 a.m. and after 7 p.m., the permissible sound levels, at residential district boundaries where they adjoin nonresidential districts, shall be reduced by 5 dba in the table for impact noises.

**(A) Methods of Measurement.**

- (1) Noise levels shall be measured with a sound level meter and shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.
- (2) Noise levels shall be recorded as A-weighted sound pressure level. The level so read shall be postscripted dBA.

**(B) Maximum Sound Levels (dBA).** Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

(1) **Maximum dBA, Continuous Noise.**

Residential	55
Commercial	60
Industrial	70

Continuous noise shall be measured using the slow meter response of the sound level meter.

(2) **Maximum dBA, Impact Noise.**

Residential	60
Commercial	70
Industrial	80

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer, or explosive blasting.

(C) **Exemptions.**

- (1) The limitations stated above shall not apply within any district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Dulles International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such noise areas within Loudoun County are indicated on the Zoning Map.
- (2) Sound created by the operation of power equipment, such as power lawn mowers, chain saws, and similar equipment, between the hours of 7 a.m. and 9 p.m. shall not be regulated by these noise standards.

**5-1508**

**Steep Slope Standards.**

- (A) **Purpose and Intent.** Improper uses and disturbances in steep slope areas cause erosion, result in structural failure of structures and roads, and lead to downstream flooding and other hazards. Development in these areas also requires higher volumes of cut and fill and greater removal of vegetation than on flatter lands. The provisions in this Section 5-1508, including a prohibition of development on very steep slope areas greater than 25% and performance standards for development on moderately steep slope areas from 15% to 25%, are intended to specifically promote the following:

## CHAPTER 808 Dog Kennels

808.01	Purpose.	808.08	Noise, odor and other nuisances.
808.02	Definitions.	808.09	Restrictions.
808.03	Exceptions to chapter.	808.10	Re-application for permits.
808.04	Permit required; new kennels.	808.11	Violations.
808.05	Permit required; existing kennels.	808.12	Compliance required; enforcement.
808.06	Referrals.	808.99	Penalty.
808.07	Minimum standards.		

### CROSS REFERENCES

Killing dogs - see Code of Va. ' 18.2-144  
 Dog licenses - see Code of Va. ' 3.1-798.84 et seq.  
 County pounds - see Code of Va. ' 3.1-796.96  
 Disposal of dead dogs - see Code of Va. ' 3.1-796.121  
 Dog control generally - see GEN. OFF. Ch. 612  
 Business license required - see B.R. & T. Ch. 840

#### 808.01 PURPOSE.

This chapter regulates the establishment of kennels in the County, as defined in Section 808.02, in order to protect the health, welfare and safety of the residents of such County. No person shall, the provisions of any other ordinance of the County to the contrary notwithstanding, establish or maintain a kennel unless such use complies with the requirements of this chapter.

#### 808.02 DEFINITIONS.

As used in this chapter:

- (a) "Kennel" means:
  - (1) Any structure or other place in or on which four or more dogs six months of age or older are impounded or penned in close proximity to each other; or
  - (2) Any establishment wherein any owner engages in boarding, breeding, buying, groomings, letting for hire, training for a fee or selling four or more dogs six months of age or older.
- (b) "Owner" means any person, firm, partnership, corporation or other entity who owns or operates a kennel, or his duly authorized agent.
- (c) "Cage" means a subcompartment of a kennel, which subcompartment itself confines the movements of any dog kept therein and the configuration of which includes a flooring and three or more walls.

A-083



**808.03 EXCEPTIONS TO CHAPTER.**

Nothing in this chapter shall apply to any veterinary hospital, animal hospital or other establishment or premises wherein or whereon the practice of veterinary medicine, surgery or dentistry, or any part thereof, is the primary activity engaged in, provided that the same shall not thereby be exempted from the requirements of other applicable ordinances or regulations of the County.

**808.04 PERMIT REQUIRED; NEW KENNELS.**

(a) No kennel shall be established after the effective date of this chapter unless and until the Board of Supervisors, upon application, has granted to the applicant a Board of Supervisors' kennel permit, hereinafter referred to as a "kennel permit."  
(Adopting Ordinance)

(b) In granting such a kennel permit, the Board shall require that public hearings be held on the application, in which case notice of such hearings shall be published in a newspaper of general circulation in the County not less than one week nor more than three weeks prior to the date of such hearing.  
(Ord. 89-07. Passed 5-15-89.)

(c) The application fee for a new kennel is one hundred dollars (\$100.00). The transfer of ownership fee for an existing kennel is forty dollars (\$40.00).

(d) The Board may grant a kennel permit as either transferable to new owners or as nontransferable. (Ord. 82-05. Passed 4-19-82.)

**808.05 PERMIT REQUIRED; EXISTING KENNELS.**

(a) The requirements of this chapter shall not apply to existing kennels except where a major expansion or alteration in such an existing kennel is proposed, and then such requirements shall apply to such major expansion or alteration, provided that the minimum standards set forth in Section 808.07 are met for all kennels, notwithstanding the fact that such kennel was in existence prior to the adoption of this chapter.  
(Ord. 83-06. Passed 6-6-83.)

(b) Where the above conditions apply, all requirements of this chapter applicable to proposed or intended kennels apply to the extent appropriate.

**808.06 REFERRALS.**

Upon receipt of an application for a Board of Supervisors' kennel permit and before any public hearing thereon, the Board shall first refer such application to appropriate State and local authorities for comments as to whether the requirements of this chapter will be met by the kennel proposed by the applicant. In connection with such referrals, the owner may be required to submit to the Board appropriate plats and/or construction plats indicating the extent and design of the intended kennel and the relation of such intended kennel to neighboring properties.

A-084

**808.07 MINIMUM STANDARDS.**

Notwithstanding any other provision in this chapter, the owner must show that the following minimum standards are being met by any kennel already in existence and/or will be met for any kennel for which a permit is being sought.

**(a) Cages and Runs.**

- (1) Each kennel dog shall have sufficient space to stand up, lie down and turn around without touching the sides or top of any cage in which he may be enclosed.
- (2) Cages are to be of a material and construction that facilitates the cleaning and sanitizing thereof.
- (3) Cage floors of concrete shall have a resting board or other adequate bedding.
- (4) Runs shall be of sufficiently large size to provide an adequate exercise area and shall provide adequate weather protection.

**(b) Buildings and Enclosures of Kennels.**

- (1) All kennel buildings and enclosures shall provide adequate protection against weather extremes for each dog. The floors and walls of all such enclosures and buildings, and the runs, shall be of a surface material to permit proper cleaning and disinfecting. Building temperature shall be maintained at a temperature comfortable for each dog. Each such building and enclosure shall provide adequate ventilation for each dog and shall be kept clean, dry and in a sanitary condition.
- (2) Animals shall be maintained in quarters so as to prevent their escape. Should the Board of Supervisors find that the applicant is unable to comply with subsection (a), (b) or (c) hereof, then it shall grant no kennel permit.

**(c) Feeding and Health.**

- (1) All kennel dogs shall be provided with sufficient food and have water available at all times. Both shall be free of contamination and shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each dog to ensure the proper health of each dog.
- (2) Adequate provisions shall be made to ensure daily exercise for each dog kept in a kennel.
- (3) Sick or diseased dogs in a kennel shall be properly cared for and isolated at all times from any healthy dog in the kennel so as to prevent the illness or disease from being transmitted to any other animal or individual. A sick dog shall not knowingly be sold in such condition.
- (4) No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any dog. (Ord. 83-06. Passed 6-6-83.)

**808.08 NOISE, ODOR AND OTHER NUISANCES.**

The Board of Supervisors shall not issue a kennel permit to an owner of a proposed kennel so long as the Board has reasonable cause to believe the establishment of such a kennel is likely to have a harmful or unduly disturbing effect on the residents of the County, and particularly to the properties adjacent to such proposed kennel, by virtue of:

- (a) Loud and/or continuous noise;
- (b) Foulness of the air by odors;
- (c) Constituting a threat to the safety of persons or domestic animals, including livestock; and

A-085



- (d) Causing unsanitary health conditions, such as, but not limited to, the pollution of ground water run-off.

#### 808.09 RESTRICTIONS.

In issuing the kennel permit, the Board of Supervisors may attach to such permit such reasonable restrictions related to the health, welfare and safety of the residents of the County as may be required.

#### 808.10 RE-APPLICATION FOR PERMITS.

In cases where the Board of Supervisors has denied a kennel permit, the Board shall accept no re-application for the same, or substantially the same, kennel permit until one year has elapsed from the date of the original denial.

#### 808.11 VIOLATIONS.

No person shall establish or maintain a kennel in the County otherwise than in compliance with the provisions of this chapter or knowingly give false or misleading information in connection with an application hereunder.

#### 808.12 COMPLIANCE REQUIRED; ENFORCEMENT.

(a) No owner of a kennel shall fail to comply with any of the minimum standards set forth in this chapter.

(b) The Animal Warden, with the help of the Health Department if necessary, shall be the enforcing agency of this chapter and shall have the authority to inspect the premises of any kennel during daylight hours in a reasonable manner to ensure compliance with the provisions of this chapter. When permission is refused or cannot be obtained from the owner of such kennel, such inspection shall be conducted upon obtaining a lawfully authorized warrant. (Ord. 83-06. Passed 6-6-83.)

#### 808.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

A-086

## 5-1001

**Purpose and Intent.** The Scenic Creek Valley Buffer is established to govern the construction of buildings, structures, parking, and other impervious surfaces in areas adjacent to scenic rivers and all waterways draining greater than 640 acres, by providing for a setback area from the channel scar line in which construction of improvements would not occur except as set forth below. The intent is to (1) promote water quality and the preservation of significant environmental resource areas, wildlife habitat and corridors, and native vegetation areas; (2) protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; (3) protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; (4) promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; (5) to maintain the scenic beauty of the streams of Loudoun County; and (6) implement the Comprehensive Plan.

## 5-1002

**Scenic Creek Valley Buffer Established.** The following setbacks are established along all waterways draining greater than 640 acres in areas where the major 100 year floodplain is less than the setbacks provided below.

- (A) 250 feet measured along the slope of the ground from the channel scar line on the Potomac River.
- (B) 200 feet on each side of the creek measured along the slope of the ground from the channel scar line of the Scenic River designated portions of Goose Creek and Catoclin Creek.
- (C) 150 feet on each side of the creek measured along the slope of the ground from the channel scar line of each creek or stream where the watershed is greater than 640 acres.
- (D) The above setbacks may be reduced as follows:
  - (1) A reduction of 100 feet shall be allowed for the retention of an existing forested area or the creation of a forested area, as approved by the Area Forester as part of a management plan between the ultimate setback line and the channel scar line; or
  - (2) A reduction of 100 feet shall be allowed for the use of and retention of stormwater management/BMP practices in accordance with the FSM at time of development within any developed area on the lot or site.
- (E) The above setback does not apply to agricultural, horticultural, or forestal uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other County approved agency is kept continuously in place.

- 5-1003**      **Effect of Buffer.** The construction of buildings, structures, parking lots, or other impermeable surfaces within the Scenic Creek Valley Buffer is prohibited, except as stated herein. Existing buildings and structures within the Scenic Creek Valley Buffer are not considered nonconforming, i.e., they can be added to and, if destroyed by fire or casualty, they can be rebuilt to the same or an equivalent footprint. This buffer or setback area does not regulate uses within the setback area, although the County encourages the growth, through plantings or natural succession, of vegetative and forestal cover within the Scenic Creek Valley Buffer area. Utilities may be located within the buffer.
- 5-1004**      **Existing Lot Criteria.** On any existing lot of record as of June 16, 1993, one (1) single family residence and its attendant unpaved driveway, unpaved parking area, and/or detached garage and incidental structures cited in Section 4-1500 shall be permitted within the setback area.
- 5-1005**      **Development Criteria.** The Scenic Creek Valley Buffer is not intended to, and shall not, limit development density (gross floor area or units per acre) otherwise allowed on land within the Scenic Creek Valley Buffer area. The Scenic Creek Valley Buffer shall be administered like any other setback provided for in this Ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied toward the construction of improvements outside the setback area. Road crossings and driveways, shall be permitted subject to applicable federal and state regulations, to this Ordinance, and to such performance standards as may be contained in the Facilities Standards Manual.

Table 5-1414(A)

PROPOSED LAND USE GROUPS	ADJACENT LAND USE GROUPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 4 Day Care Center Church, Chapel Nursery School Elementary School	2	2	1	N/A	1	1	2	2	3	4	3	4	2
Group 5 Middle and High School Community & Recreation Center, and Library Auditorium, Performing Arts Center and Assembly Hall, and Theater (indoor) Municipal and Governmental Building and Structure Fire, Police, and Rescue Station Medical Care Facility Hospital	2	2	1	1	N/A	1	1	2	3	4	3	4	N/A
Group 6 Financial Institution Office Business Service Establishment Retail Sales Establishment Health & Fitness Center Funeral Home, Mortuary, Crematory Personal Service Establishment	2	2	1	1	1	N/A	N/A	N/A	3	4	2	4	N/A
Group 7 Restaurant Hotel/Motel	3	3	1	2	1	N/A	N/A	N/A	3	4	N/A	4	N/A
Group 8 Drive-in Bank Facility Fast Food Restaurant Drive Through Restaurant Auto Service Station Car Wash Mobile Home Sales and Service Motor Vehicle Sales and Service Parking Lot/Valet Service Flex Industrial Warehousing & Storage Facility	3	3	2	2	2	N/A	N/A	N/A	N/A	2	2	4	N/A
Group 9 Utility Transmission Facility Public Utility Service Center, Storage Yard Telecommunication Facility Radio & Television Broadcasting Station, including Recording Studio Municipal or Governmental Storage Yards & Related Facility Water Treatment and Distribution Facility Kennel, outdoor	4	4	4	3	3	3	3	N/A	N/A	N/A	2	3	N/A

A-089

finding that the screening requirements create a security concern.

- (I) In the A-3, A-10, AR-1, and AR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line as required by Section 5-1407(A).

#### **5-1410 Maintenance.**

- (A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.
- (B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
- (C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

**5-1411 Bond/Cash Deposit Requirements.** In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

**5-1412 Appeals.** Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 6-1700.

#### **5-1413 Parking Lot Landscaping and Screening Requirements.**

- (A) **General.** Parking lot landscape and screening plan shall comply with the standards in Section 5-1403 and 5-1404.
  - (1) Existing vegetation which is suitable for use in compliance with the requirements of this Section when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Section, may be used as required planting. Additionally, vegetation which fulfills the requirements set forth herein for exterior parking lot screening may also be counted toward fulfilling the requirements for buffer yards set forth in other sections of these regulations.

- (A) Any violation of the provisions of this Ordinance other than those set forth in Section 6-503(A) shall be deemed a civil violation and, upon an admission of liability or finding of liability, shall be punishable by a fine of \$100.00 for the first charge and \$250.00 for each additional charge. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period, and in no event shall a series of specified civil violations rising from the same operative set of facts result in civil penalties which exceed a total of \$5,000.00. Nothing in this subsection shall be construed as to prohibit the Zoning Administrator from initiating civil injunction procedures in cases of repeat offenses.
- (B) After the Zoning Administrator or his Deputy has issued a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions enumerated in Section 6-504(E) and if such violation has not ceased within such reasonable time as is specified in such notice, the Zoning Administrator or his Deputy shall issue a summons and/or ticket to be issued personally upon such person or posted in a conspicuous location at the site of the violation. If a person complies in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such agreement, provided such agreement is complied with.
- (C) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an

appearance in person or in writing by mail to the County Treasurer's office at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

- (D) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

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**(A) Standards for Computation.**

- (1) **Floor Area.** Gross Floor Area, GFA, as used in this section shall be as defined in Article VIII of this Ordinance.
- (2) **Building Capacity.** The capacity of the building expressed in number of persons shall be determined by the Fire Prevention Code adopted by the County of Loudoun.
- (3) **Fraction of a Space.** When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions of over one-half (1/2) shall be interpreted as one (1) whole parking or loading space.
- (4) **Commercial Vehicles.** In addition to the requirements in the tables below, one (1) off-street parking space shall be required for each commercial vehicle which is directly associated with permitted and special exception uses, and which is to be parked on the premises during normal business hours. Required loading spaces may be credited as part of the total space needed for commercial vehicles.

**(B) For the purposes of this Article only, and for calculating parking and loading requirements hereunder, uses are grouped as follows:****(1) Residential Uses.**

- (a) **Single Family Dwellings**, detached houses and duplexes, townhouses and other single family attached dwelling units.
- (b) **Multi Family Dwellings**, includes condominium and apartment buildings where common vehicular entrances, parking areas etc., are provided for more than one unit.
- (c) **Elderly Housing**, any multifamily building that is occupied not less than 90% by persons 60 years of age or older.
- (d) **Accessory Dwelling Units**, associated with any other use, including living quarters for each caretaker, watch keeper, servant and tenant.
- (e) **Sleeping Rooms**, including boarding, lodging, and bed and breakfast homestays, rectories and convents which are rented or used on an individual basis by non-family members.



- (f) **Commercial Lodgings**, including hotels, motels, motorlodges and motor courts.
- (g) **Congregate, Continuing Care & Nursing Homes**, where unrelated persons reside under supervision for special care, treatment, training or other purposes, on a temporary or permanent basis.
- (h) **Day Care Centers**, where unrelated persons are cared for during limited periods each day in a supervised facility.

**(2) Retail/Service Uses.**

- (a) **General Retail**, including antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin and stamp, crafts/needlework, discount/mass merchandising, drapery/curtain/window coverings, dry goods, fabrics and sewing accessories, floor coverings, furriers and fur apparel, gifts/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/ suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (no greenhouse), paint and wall coverings, pet shops, records/audio/stereo/TV, school and office supplies, second hand and resale, shoes, small electrical appliances, specialty, stationary, tobacco, toys, and other such retail uses as determined by the Zoning Administrator.
- (b) **Convenience Retail**, including bakeries and confectioneries (non-manufacturing), butchers/meatshops, dairy products, eggs and poultry, fish and seafood, fruit and vegetables, frozen desserts (without tables), grocery/supermarkets, liquor, laundry/dry cleaning (pickup station only), pharmacy/drug, not to exceed 10,000 sq. ft. GFA each.
- (c) **Service Retail**, including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, film/video rentals, printing/ copy, shoe repair, pawn shops, photographic studios, key and lock, tailoring and dressmaking, upholstery, optical shops.
- (d) **Hard Goods Retail**, automotive parts and supplies (without repair facilities), furniture, hardware, wholesale florists, garden supply, greenhouses, lumber and building supplies, household appliances, lighting and electrical supplies, medical appliances and supplies, pool and patio furniture, and sales display and showrooms for any building product (including millwork, cabinets, plumbing,

glass and mirror, fencing, swimming pools/spas/hot tubs, etc.).

- (e) **Shopping Centers**, with two or more individual stores, GFA provided in the same building or attached buildings totaling more than 10,000 square feet.
  - (f) **Personal Care Services**, including barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, and fingernail salons.
  - (g) **Coin Operated Laundry and Coin Operated Dry Cleaning Facilities**, with or without attendant services and/or a pickup station for outside dry cleaning service.
  - (h) **Other Retail/Service Uses**, including animal clinics/veterinarian offices, kennels and pounds.
  - (i) **Temporary Retail**, including wayside stands and outdoor markets.
  - (j) **Motor Vehicle Sales & Service**, including automotive sales, gasoline and/or diesel fuel stations, automotive rental agency, marine craft sales and service, engine and motor repair shops, automotive glass/muffler/painting/tire/upholstery repair shops, recreational and sports vehicle sales and service.
- (3) **Food and Beverage Services.**
- (a) **Restaurant**, including restaurants, and banquet rooms, with or without dancing and entertainment facilities, which provide only seated table service.
  - (b) **Family Restaurant**, without a bar or lounge area, which provides seated service at tables, or counters, and only incidental carryout service.
  - (c) **Fast Food**, including delicatessens, carryout, drive-in, etc., which provides quickly or previously prepared foods from a counter and which may or may not have a separated indoor or outdoor seating area.
- (4) **Office and Business Services.**
- (a) **General Business Services**, including accounting, advertising, architectural/ engineering/urban planning, auditing, bookkeeping, business and management consulting, charitable, collection services, commodity or security broker/dealer, consumer protection, corporate,

Table 5-1102		
Use	Parking Spaces Required	Loading Spaces Required
Commercial Lodgings	2 for owners/managers plus 1/sleeping room or unit plus any spaces required for restaurant/restaurant/banquet and meeting rooms	As required for restaurant/lounge and meeting rooms; minimum one for lodgings with 50 or more rooms.
Congregate, Continuing Care & Nursing Homes	.25/resident plus 1.5/day shift employee	One
Child Care Facilities	.2/person in licensed capacity plus one per employee not residing on the premises	None
<u>Retail/Service</u>		
General and Convenience Retail	4/1,000 sq ft of GFA; minimum of 4 spaces per establishment	None for the first 10,000 sq. ft. then one/30,000 sq. ft. up to 70,000 sq. ft. plus one/ 80,000 sq. ft. thereafter
Wayside Stands/Christmas Tree Stands	Any parking provided shall be on-site	None
Nurseries/ Farm Markets	Minimum of 10 spaces shall be provided for the first five acres of outdoor sales area with one additional space for each ten acres over five acres. Off-site parking is prohibited.	None
Bed and Breakfast Homestay	2.5/dwelling unit 1/guest room	None
Bed and Breakfast Inn	2.5/dwelling unit 1/guest room 1/employee	None
Country Inn	1/guest room 15/1,000 sq. ft. of GFA for restaurants & kitchen area only	None
Service Retail	2.5/1,000 sq ft of GFA; minimum of 3 spaces per establishment	Same as general retail
Hard Goods Retail	3.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 feet of interior storage and/or exterior display/sales area; minimum of 4 spaces per establishment	Same as general retail
<u>Shopping Centers</u>		

Use	Table 5-1102 Parking Spaces Required	Loading Spaces Required
Smaller Shopping Centers (Small strip-type centers)	6/1,000 sq. ft. of GFA for centers with up to 30,000 sq. ft.	1/50,000 sq. ft. up to 100,000 sq. ft. <b>plus</b>
	5/1,000 sq. ft. of GFA for centers between 30,000 sq. ft. and 60,000 sq. ft.	1/100,000 sq. ft. up to 500,000 sq. ft. <b>plus</b> 1/200,000 sq. ft. thereafter
Larger Integrated Shopping Centers (Non-enclosed centers)	4/1,000 sq. ft. of GFA for centers over 60,000 sq. ft.	
Shopping Centers (Mall-type centers)	3.5/1,000 sq. ft. of GFA for centers with up to 400,000 sq. ft.	
	3.8/1,000 sq. ft. of GFA for centers with 400,000 to 600,000 sq. ft.	
	4.25/1,000 sq. ft. of GFA for centers with over 600,000 sq. ft.	
Personal Care Services	1/treatment station but not less than 1/1,000 sq. ft. GFA	None
Coin Operated Laundries	1 space/ 2 machines	None
<b>Other Retail/Service Uses</b>	<b>As determined by the Zoning Administrator</b>	<b>Same as general retail</b>
Temporary Retail	As determined by the Zoning Administrator	None
Motor Vehicle Sales & Service	2.5/1,000 sq ft of GFA interior sales space plus 1.5/1,000 sq ft of external display (but not including stock areas not open to the public) plus 3/service bay	Same as industrial
<u>Food and Beverage</u>		
Restaurant	15/1,000 sq. ft. of GFA minimum of 1 space	1/40,000 sq ft of GFA;
Fast Food	20/1,000 sq. ft. of GFA kitchen, counter and waiting areas plus 0.5/seat provided	With indoor seating area, one; with no seating area; none
<u>Office and Business Services</u>		
General Offices and Medical Offices	4/1,000 sq. ft. of GFA for up to 30,000 sq. ft.; 3.3/1,000 sq. ft. of GFA thereafter	None for the first 30,000 sq ft then one/100,000 sq ft thereafter
Financial Institutions	2.5/1,000 sq. ft. of GFA; stacking space for drive-through windows to be determined by Zoning Administrator	None for the first 10,000 sq ft GFA then one/50,000 sq ft up to 10,000 sq ft plus one/ 10,000 sq ft thereafter

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## Loudoun County, Virginia

www.loudoun.gov

Department of Building and Development

Zoning Administration / MSC# 60

1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000

Administration: 703-777-0397 • Fax: 703-771-5215

November 6, 2007

Mark Jerussi, P.E.

Mark W. Thomas, C.L.A.

Patton Harris Rust & Associates, pc

208 Church Street, S.E.

Leesburg, VA 20175

RE: Cider Mill Property Site Plan  
STPL-2006-0021  
PIN 548-10-4925

Dear Messrs. Jerussi and Thomas:

I am responding to your letter dated September 27, 2007 to Melinda M. Artman, Zoning Administrator, in which you questioned whether the use defined in your letter as the training of dogs may be classified as a home occupation. You explained in your letter that there will be approximately four trainers residing in the existing single family dwelling and they will train approximately six dogs at a time for no fee. According to your letter, a new 40' x 100' building will be constructed to house the dogs. You also questioned if the property owner could erect the proposed structure as a by-right agricultural structure without a site plan.

The property is zoned Agricultural Rural-1 (AR-1) and is regulated by the Revised 1993 Loudoun County Zoning Ordinance. According to County records, the property is located within the major floodplain area of the Floodplain Overlay District and the property contains moderately steep and very steep slopes.

A "home occupation accessory to a single family detached dwelling" is permitted in the AR-1 zoning district subject to the regulations found in Section 5-400 of the Revised 1993 Loudoun County Zoning Ordinance. However, Section 5-400(D) states "There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation other than signage." Constructing a 40' x 100' (4,000 sf) facility to house the dogs will change the outside appearance of the lot. In addition, effective December 3, 2007, Section 5-400(C) will be revised to delete the 25% maximum gross floor area that may be used for the home occupation; however, the primary use of the accessory structure must be for the dwelling purposes and the home occupation use must be secondary to the dwelling purposes. The definition of "home occupation" states "*A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings.*" (emphasis added) As the 4,000 square foot structure will change the appearance of the lot and the structure is being constructed for the primary purpose of housing and training the dogs for use by the home occupation, the use cannot

ZCOR-2007-0301

be defined as a "home occupation." If the dogs were housed in the existing barn with no change to the outside appearance of the lot and there were less than six dogs, the use could be considered a home occupation.

After further review of your request and the website for Covenant Homeland Security Solutions, it is determined that the use most closely resembles a "kennel." A kennel is defined in the Revised 1993 Loudoun County Zoning Ordinance as follows: "*Kennel shall mean any place in or at which, for a fee, six or more dogs, cats, or other household pets over the age of six months are trained, boarded, or handled*". Pursuant to Section 2-102, a "kennel," which is subject to the additional regulations of Section 5-606, is permitted within the AR-1 zoning district by approval of a special exception.

If a structure is considered a basic agricultural structure used for basic agriculture, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703, it may be constructed without approval of a site plan. However, in order for the structure to be considered an agricultural structure, evidence must be provided that there is an agricultural use on the site and that the purpose of the structure will be for the agricultural use. Such evidence would include a Farm Management Plan, verification that the site is in the Land Use Management Program, or verification that the site is in an Agricultural District.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

I trust this answers your questions. If I may be of further assistance, please contact me at 571-258-3197.

Sincerely,

/s/

Nita Bearer  
Planner, Zoning Division

C: James Burton, Supervisor, Blue Ridge Election District  
Melinda M. Artman, Zoning Administrator  
Marilee Seigfried, Deputy Zoning Administrator  
Neelam Henderson, Project Engineer  
Property Owner: Cerberus Farms LLC

A-100

September 27, 2007

Ms. Melinda Artman  
Zoning Administrator  
County of Loudoun  
1 Harrison Street SE  
Leesburg, Virginia 20177

RE: Request for Zoning Determination  
Cider Mill Property Site Plan  
STPL 2006-0021 PIN # 528-10-4925  
PHR&A FILE #13826-1-0

Dear Ms. Artman:

The purpose of this letter is to request a formal determination of zoning and use classification of the subject site.

### History

The subject property is located at 14807 Cider Mill Road, Purcellville Virginia 20132. The property contains 20.97 acres, a single family house, two barns and three sheds. The purpose of the site plan is to add a new 40' x 100' building and a van accessible handicap parking space with associated handicap access ramp. The site will be used to train bomb sniffing dogs. The proposed building will be used to house the dogs. The existing house will be used as living space for the dog trainers. It is our understanding that they train approximately six dogs at a time with approximately four trainers. The training takes approximately six to eight weeks. It is the intent for the trainers to live in the house during their training schedule. Therefore, the house will be utilized as a single family home. There will be no public access and no customers.

Formal work began on the subject project during the summer of 2005. Please find attached a three page spreadsheet detailing the course of the project from 6/17/2005 through 9/04/2007. Please refer to the project chronology which shows the critical path of this project has been trying to obtain VDOT approval. Due to the inability of obtaining VDOT approval in a reasonable amount of time, we were unable to secure County plan approval before the zoning changes. We have in fact secured VDOT approval as of 9/04/2007.

### Justification for Request

An e-mail from Nita Bearer on 7/24/2007 indicated the definition of "kennel" was revised with the revised zoning ordinance and a special exception is now required.

Mark W. Thomas of PHR+A responded in an e-mail on 7/25/2007, indicating, that by definition in the zoning ordinance this operation is not a kennel. In section 5-606(A)(1) a kennel includes "a fee" in which dogs, cats..... This operation is private for the training of the dogs that are owned by the property owner. No dogs are brought to the facility from the public to be trained. In addition, the dogs are not sold, ever. They are



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Frederick  
Germantown  
Hollywood  
Hunt Valley

WEST VIRGINIA  
OFFICE:  
Martinsburg

T 800.553.PHRA  
T 703.777.3616  
F 703.777.3725  
208 Church St., S.E.  
Leesburg, VA  
20175

A-101



transferred to other facilities in the US from which they are contracted out worldwide. Therefore, by operation, we believe this does not qualify as a kennel, in which Staff agreed.

We believe the operation is a home occupation, which is the way it was being pursued. Since we were looking at this as a home occupation, we inquired whether the required buffer yards were applicable. This led Nita to investigate the use of home occupation. She then determined that it cannot be a home occupation and would need to be a small business under 5-614. She also mentioned we could then apply for an administrative buffer waiver per section 5-1409(I). The problem with the small business classification is that it requires a 300' building setback from all property lines which would not allow the owner to locate his building where it is currently shown or desired to be.

Request

We feel the best way for the project to move forward is to develop this property as a home occupation which should not require the buffer yards. We also question if the owner can erect the building as an agricultural structure under the AR-1 zoning by right without having a site plan? We are requesting an official determination be made on the best way to move forward. The owners have been patient throughout the process, but are in desperate need to use their land. The training they perform will help with the continued security of our nation.

Please feel free to contact us if you have any questions or need additional information in support of this request.

Sincerely,  
PATTON HARRIS RUST & ASSOCIATES

Mark Jerussi, P.E.  
Senior Project manager

Mark W. Thomas, C.L.A.  
Director of Planning and  
Landscape Architecture

CC: Neelam Henderson, Loudoun County  
Nita Bearer, Loudoun County  
Tim Tonsor, Covenant Homeland Security Solutions

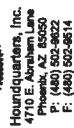
Attachments: Project chronology  
Exhibits

CIDER MILL 13826-1-0

DATE	SUBJECT	DETAILS
6/17/2005	E-mail from Gary Clare	Changing the subject project from a Site Plan Amendment (SPAM) to a Site Plan (STPL)
7/12/2005	Letter from Loudoun County to Mr. Jacobson (Amy Lohr dated March 24, 2005)	Responding to the E-mail dated March 10, 2005 from Mr. Jacobson, in which he requested a determination addressing the establishment of a "specialty canine training program" on the referenced property
7/21/2005	PSR Submission	<b>Request for a Preliminary Soils Report (Fee Check=\$850.00)</b>
7/28/2005	Letter from Department of Conservation and Recreation (DCR)	Natural heritage resources have not been documented in the project area (Service Fee=\$260.00)
7/28/2005	Letter from Department of Historic Resources (DHR)	No historic properties are present-Map Included (Service Fee=\$225.00)
8/11/2005	Pre-Submission Meeting Request Submission	<b>Pre-Submission Meeting Request Submission Package</b>
8/29/2005	Pre-Submission Conference (LTD PSUB-2005-0087)	Synopsis of Pre-Submission Application Issues Discussed
12/29/2005	Letter from Loudoun County (Preliminary Soils Review)	Letter describing the site and geologic setting for the subject property
1/17/2006	Floodplain Study Waiver Request Submission	<b>Floodplain Study Waiver Request Letter and Floodplain Study Waiver Request Exhibit (Fee Check=\$250.00)</b>
2/3/2006	Letter from Loudoun County (Floodplain Study Waiver Request)	<b>Request granted and the waiver APPROVED (WAIV-2006-0001)-Received on 2/6/06</b>
3/31/2006	ESI Submission	<b>ESI 1st Submission to Gary Newlen</b>
3/31/2006	Letter to Tom VanPoole (VDOT)	Follow Up to Phone Conversation on 3/30/06 concerning sight distance
4/7/2006	ESI Submission Comments	<b>ESI 1st Submission (STPL-2006-0021) determined to be ACCEPTABLE</b>
4/11/2006	VDOT Sight Distance/Entrance Letter Submission	Submitted a letter to Tom VanPoole with VDOT as a follow up to our phone conversation on March 30, 2006 concerning the limited sight distance and the Cider Mill Road, Route 751 is not posted.
4/13/2006	Loudoun County Submission	<b>Loudoun County 1st Submission (STPL-2006-0021) to Building and Development, 2nd Floor</b>

4/13/2006	Buffer Yard Waiver Request Submission	Buffer Yard Waiver Request Letter and Buffer Yard Waiver Request Exhibit (Fee Check=\$250.00)
5/23/2006	Buffer Yard Waiver Request Withdraw	Request to withdraw the buffer waiver letter (Refund Fee Check=\$250.00).
5/25/2006	Loudoun County Submission Comments	Loudoun County 1st Submission (STPL-2006-0021) Comments (Neelam Henderson)
5/26/2006	Health Department Submission Comments	Health Department 1st Submission (STPL-2006-0021) Comments (Jeffrey Barr)
7/20/2006	E-mail from Neelam Henderson	Concerning VDOT Response
7/20/2006	E-mail from Neelam Henderson	Explaining that a home occupation permit is required if office work is to be conducted on-site.
8/2/2006	E-mail from Nicole Dixon	Stating that the Proposed Use falls under "Other Retail/Service Uses" in Section 5-1100, and detailed the parking requirements would now be 1 space/employee or staff
8/9/2006	E-mail from Mark Jerussi to Tom VanPoole	Requesting the VDOT Comments, and as a follow up to the Letter submitted on 3/31/06, which detailed the 3/30/06 phone conversation and the impromptu meeting with Tom 3/25/06
8/21/2006	VDOT Comments	VDOT 1st Submission Comments (Tom VanPoole)
8/23/2006	E-mail to Tom VanPoole (VDOT)	Explaining that the comments are not consistent with the previous discussions.
9/2/2006	Mark Jerussi-Meeting with Sam Allaire (VDOT)	Instructed to Perform a Speed Study and Submit the results
9/15/2006	Application for Evaluation of the existing water and/or sewage disposal systems Submission	Application w/ attached Map submitted to Jeffrey Barr with the Loudoun County Health Department, 3rd Floor (Fee Check=\$110.00)
10/27/2006	Inspection of Sewage Disposal System	Minor Repair Permit Required to replace the distribution box (Sewage Disposal Permit #T60219150001)
10/31/2006	Speed Study Report Completed	PHR+A (Doug Kennedy/Peter Steele)
11/13/2006	Client informed of Zoning Changes to AR-1 (Review of AR-1)	Loudoun County (Scott K. York)
11/21/2006	Minor Repair of Sewage Disposal System Approved	Health Department APPROVED Final Inspection Results
11/28/2006	Speed Study Submission to VDOT	Speed Study submitted to Samuel Allaire with VDOT for review
5/31/2007	VDOT Waiver Letter	Waiver Letter regarding the required sight distance of 610' based on a posted speed of 55 mph to the actual sight distances of 344' (right) and 369' (left)
6/25/2007	ESI Submission	ESI 2nd Submission (STPL-2006-0021) to Gary Newlen

7/10/2007	ESI Submission Comments	ESI 2nd Submission (STPL-2006-0021) determined to be ACCEPTABLE
7/12/2007	Loudoun County Submission	Loudoun County 2nd Submission (STPL-2006-0021) to Building and Development, 2nd Floor
7/13/2007	Grading Permit Application	PHR+A forwarded the Grading Permit Application to Tim Tonsor (Client) to obtain necessary information to complete prior to submission for the permit
7/24/2007	E-mail from Nita Bearer	Notifying PHR+A that the Zoning Ordinance Revisions were Approved, and the definition of "kennel" was revised requiring a special exception.
7/30/2007	E-mail from Mark Thomas to Neelam Henderson	Concerning the issues specified in the 7/24/07 E-mail from Nita Bearer
8/17/2007	E-mail from Neelam Henderson-Loudoun County Zoning Comments	Loudoun County 2nd Submission (STPL-2006-0021) Zoning Comments (Nita Bearer)
8/21/2007	E-mail from Neelam Henderson-Loudoun County Submission Comments and Bond Amounts Letter	Loudoun County 2nd Submission (STPL-2006-0021) Comments and Bond Amounts Letter (Neelam Henderson)



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**Timothy L. Tonsor**  
New Facility for:  
Fairfax, VA

REVISION	DATE	DESCRIPTION

**Project Designer:** CND Construction Design  
A division of Craig L. McPherson, Inc.  
1204 408 Ibar Road, Lancaster, PA, 17601  
Studio: 717-698-7037  
Fax/studio: 717-698-7038  
Email: [info@cnddesign.com](mailto:info@cnddesign.com)  
Website: [CndDesign.com](http://CndDesign.com)

PROJECT:  
COPYRIGHT:

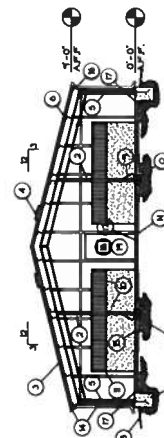
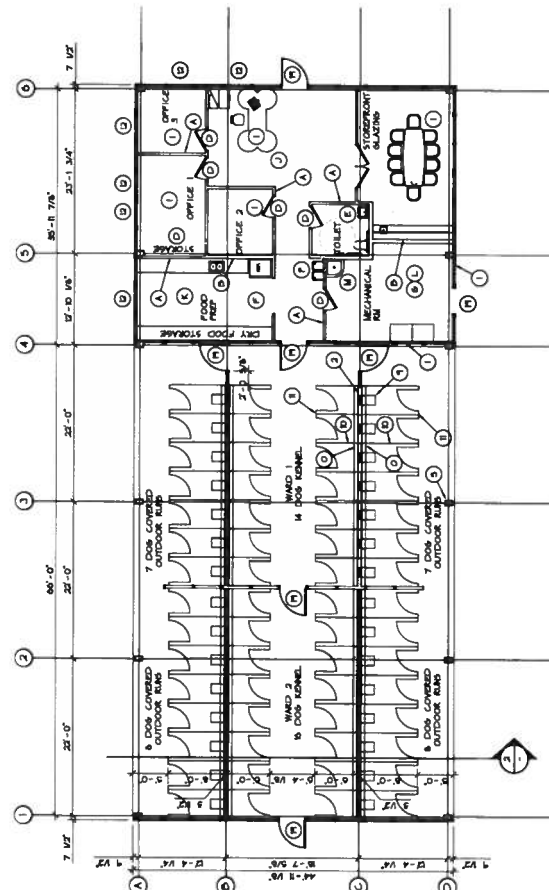
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SCALE: 1/8" = 1'-0"

A

NOT FOR CONSTRUCTION  
DESIGN CONCEPTUAL

**1 CONCEPTUAL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**2 SECTION**  
SCALE: 1/8" = 1'-0"

## ATTACHMENT 9

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New Facility for:  
Covenant Canine  
Fairfax, VA

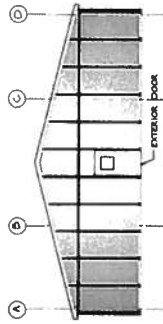
REVISION	DATE	DESCRIPTION
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**Project Designer:** CAD Construction Design  
A division of Boly L. McQuinn Inc.  
1204 Mill Hill Road, Lancaster, PA 17601  
Studio: 717-400-7037  
Fax: 717-400-7030  
E-mail: [info@cadconstructiondesign.com](mailto:info@cadconstructiondesign.com)  
Website: [www.cadconstructiondesign.com](http://www.cadconstructiondesign.com)

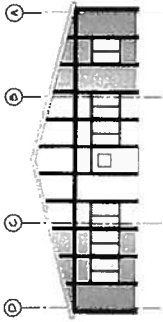
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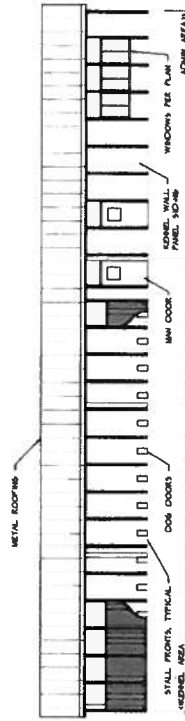
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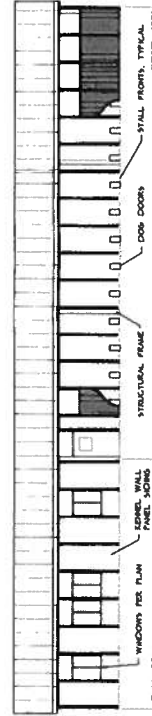
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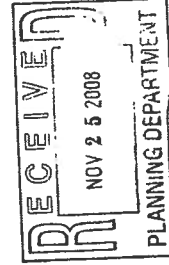
**1 FRONT ELEVATION**  
SCALE: NO SCALE



**3** **SIDE ELEVATION**  
SCALE: NO SCALE



**4 SIDE ELEVATION**  
SCALE: NO SCALE



NOT FOR CONSTRUCTION  
CONCEPTUAL DESIGN

$$A = \frac{1}{08}$$